

ORIGINAL 2 to 4

28m  
4/16/02

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKEY A. BECHTEL,

Plaintiff,

vs.

DANIEL VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; and ABF FREIGHT  
SYSTEM, INCORPORATED,

Defendants. :

No. 1:01-CV-789

Judge Sylvia H. Rambo

FILED  
HARRISBURG, PA

APR 15 2002

MARY E. D'ANDREA CLERK  
Per 9/8 Deputy Clerk

**SUPPORTING EXHIBITS TO DEFENDANTS',  
DANIEL VIRTUE, INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS and INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS LOCAL UNION NO. 776,  
STATEMENT OF MATERIAL FACTS**

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**TABLE OF CONTENTS**

	<b><u>Page</u></b>
Relevant Portions of Bechtel Transcript .....	1
Bechtel Exhibit No. 3 .....	7
Bechtel Exhibit No. 4 .....	8
Bechtel Exhibit No. 5 .....	9
Bechtel Exhibit No. 6 .....	10
Bechtel Exhibit No. 7 .....	11
Bechtel Exhibit No. 8 .....	19
Bechtel Exhibit No. 10 .....	20
Bechtel Exhibit No. 12 .....	21
Bechtel Exhibit No. 13 .....	22
Bechtel Exhibit No. 15 .....	23
Bechtel Exhibit No. 16 .....	24
Bechtel Exhibit No. 17 .....	25
Bechtel Exhibit No. 18 .....	42
Bechtel Exhibit No. 19 .....	43
Bechtel Exhibit No. 22 .....	44
Bechtel Exhibit No. 23 .....	45

Bechtel Exhibit No. 25 .....	54
Bechtel Exhibit No. 26 .....	55
Bechtel Exhibit No. 28 .....	56
Bechtel Exhibit No. 29 .....	57
Affidavit of Charles W. Shughart .....	79
Certificate of Service.....	110

**BECHTEL, RICKEY**  
**3/7/2002**

**BECHTEL VS**  
**VIRTUE**

<p style="text-align: right;">6</p> <p>1 Q Okay. It's my job to ask a question that you  2 can understand, so if you don't understand any of my  3 questions please let me know and I can try and rephrase the  4 question for you. If you don't tell me one way or the  5 other, I'm going to assume that you understand the question  6 and that your answer responds to the question. Do you  7 understand that?</p> <p>8 A Yes, okay.</p> <p>9 Q Okay. Please answer everything verbally. In  10 other words, it's difficult for the court reporter to take  11 down shaking your head and nodding and that kind of thing  12 and even hand gestures, which I'm guilty of, so try and  13 answer everything verbally. And, finally, you're under oath  14 today and, therefore, you're testifying in the same way you  15 would be if you were sitting across the street in a  16 courtroom. Do you understand what it means to testify under  17 oath?</p> <p>18 A Yes. I think so anyway.</p> <p>19 Q And you agree that you'll be testifying  20 truthfully today?</p> <p>21 A Yes.</p> <p>22 Q Are you on any medications today?</p> <p>23 A No.</p> <p>24 Q Is there any reason that you wouldn't be able  25 to testify truthfully today?</p>	<p style="text-align: right;">8</p> <p>1 A February 1st, 1959.</p> <p>2 Q Okay. What is your Social Security Number?</p> <p>3 A 179-52-1833.</p> <p>4 Q And can you also state your current address,  5 please?</p> <p>6 A 2072 Locust Lane, Hummelstown, PA.</p> <p>7 Q How long have you been living at that address?</p> <p>8 A Since approximately 1980.</p> <p>9 Q Okay. Are you currently employed?</p> <p>10 A Yes, I am.</p> <p>11 Q Where are you employed?</p> <p>12 A Stover Fuel Oil, Hershey, PA.</p> <p>13 Q How long have you been in that position?</p> <p>14 A About 5 of April of '96.</p> <p>15 Q And what job do you hold over at Stover?</p> <p>16 A I'm a driver, oil technician, installer.</p> <p>17 Basically I do everything and now also HVAC.</p> <p>18 Q Okay. Are you currently a union member?</p> <p>19 A Yes, I am.</p> <p>20 Q What local is that?</p> <p>21 A Teamsters Local 776.</p> <p>22 Q When did you first become a member of 776?</p> <p>23 A 1979.</p> <p>24 Q Where were you working at that time?</p> <p>25 A Hall's Motor Freight.</p>
<p style="text-align: right;">7</p> <p>1 A No.</p> <p>2 Q Is there anything that would impair your  3 memory of any of the events?</p> <p>4 A Maybe the type lapse of when it occurred till  5 now.</p> <p>6 MS. WALSH: I think everybody has that problem  7 sometimes. Why don't we mark this as Bechtel Exhibit 1.  8 (Notice of Deposition marked as Bechtel  9 Exhibit 1.)</p> <p>10 BY MS. WALSH:</p> <p>11 Q Mr. Bechtel, have you seen this document  12 before?</p> <p>13 A Yes.</p> <p>14 Q Okay. And are you appearing pursuant to this  15 notice that you received? Are you here today because you  16 received this notice of deposition?</p> <p>17 A Yes, yes.</p> <p>18 Q Okay. All right.</p> <p>19 MR. MIRIN: And because his lawyer told him  20 that that's what it meant.</p> <p>21 BY MS. WALSH:</p> <p>22 Q Can you state your full name for the record?</p> <p>23 A Rickey, R-i-c-k-e-y, A., Bechtel,  24 B-e-c-h-t-e-l.</p> <p>25 Q What is your date of birth?</p>	<p style="text-align: right;">9</p> <p>1 Q Since the time that you have been a member of  2 Local 776, have you held any union positions?</p> <p>3 A Steward for awhile.</p> <p>4 Q When was that?</p> <p>5 A '91 maybe for a year or so. I think. I'm not  6 exactly sure.</p> <p>7 Q Okay.</p> <p>8 A For awhile.</p> <p>9 Q Where were you working at the time?</p> <p>10 A Carolina Freight.</p> <p>11 Q And you said that was about a year or so that  12 you were a steward?</p> <p>13 A Somewhere in there, yeah, a year. I'm not  14 exactly sure how long it was.</p> <p>15 Q Okay. Let me go back to your employment prior  16 to the time that you started at Carolina Freight. Can you  17 briefly tell me your employment history prior to the time  18 you went to Carolina?</p> <p>19 A I graduated in 1977. I was working for an  20 appliance delivery store, Spire Electric, which is no longer  21 in business. Then I worked -- after TMI came business  22 slacked off, and then I went to the Palmyra Area School  23 District and worked as maintenance and then heard about  24 Hall's and was with Hall's Motor Freight for -- well, till  25 the -- '94 -- not '94, -- '84. Excuse me. That's when they</p>

BECHTEL, RICKEY  
3/7/2002

BECHTEL VS  
VIRTUE

26

1 Q Do you remember when this meeting occurred? I  
2 know you said you weren't sure, but do you have a time  
3 frame?  
4 A I'm going to say mid January. I'm just  
5 guessing. I can't give you an exact date.  
6 MR. MIRIN: Provide a year. January of what  
7 year?  
8 A '95.  
9 BY MS. WALSH:  
10 Q January of '95. Who else was at this meeting?  
11 A As far as --  
12 Q Who --  
13 A The local union hall. I think the president  
14 was there and the BA was there, union members.  
15 Q Who was the president at the time?  
16 A Thomas Griffith.  
17 Q Okay. And the BA was?  
18 A Carlos Ramos, I'm pretty sure.  
19 Q Okay. Was anyone else present?  
20 A ABF was the only one there I think taking job  
21 apps.  
22 Q Who from ABF was there?  
23 A I'm not sure of what their name was.  
24 Q Job title?  
25 A I can't remember that.

27

1 Q Was there one person, more than one person  
2 from ABF there?  
3 A I think they had three people there. I'm not  
4 exactly sure. There was more than one person taking job  
5 apps. They handed them out. They were introduced by the  
6 union hall, and then they were handing them out at the end,  
7 and you could fill them out and leave them there or deliver  
8 them to the Carlisle facility.  
9 Q Did you receive one of those applications?  
10 A Yes, I did.  
11 Q Did you fill it out?  
12 A Yes, I did.  
13 Q Did you return it?  
14 A Yes, I did.  
15 Q Who did you return it to?  
16 A I just delivered it to the Carlisle facility.  
17 Q Okay. What did the application say?  
18 A They just wanted to know what you wanted to do  
19 at their facility. It was a job application, just usually  
20 what is on job apps. What are you applying for, do you want  
21 full-time or part-time.  
22 Q All right. Did the ABF people say anything  
23 while they were handing out the applications?  
24 A As far as --  
25 Q Anything at all?

28

1 A I don't think anything out of the ordinary,  
2 you know.  
3 MR. MIRIN: Speak up for the reporter. You  
4 know, we have to get it on the record. Did I understand you  
5 correctly to say nothing out of the ordinary, is that what  
6 you said?  
7 MS. WALSH: I think he can repeat his answer  
8 for the court reporter.  
9 A I don't remember anything that stuck out.  
10 BY MS. WALSH:  
11 Q Do you have any documents that you received at  
12 that meeting?  
13 A I don't think so.  
14 Q Okay. When did you first learn about the  
15 transaction involving Carolina and ABF?  
16 A I'm not exactly sure what you want.  
17 Q Let me ask it this way: are you aware that at  
18 some point ABF's parent company had purchased Carolina  
19 Freight?  
20 A Oh, yeah.  
21 Q When did you learn of that?  
22 A Probably in the summer going into fall. I was  
23 working for construction.  
24 MR. MIRIN: Show me a year.  
25 MS. WALSH: Mr. Mirin, let your witness

29

1 answer, please.  
2 MR. MIRIN: Counsel, I'm facilitating. It's a  
3 custom in this part of the world if you can facilitate to  
4 facilitate. I just asked him to provide a year. It's  
5 certainly not leading or suggesting.  
6 MS. WALSH: That's fine. Please, I just ask  
7 if you can wait until he finishes his answer before you  
8 interrupt.  
9 A In the summer of '95 -- the year '95 I  
10 remember hearing. I'm sure it was in the papers, too, the  
11 newspapers.  
12 BY MS. WALSH:  
13 Q So summer of '95. So you learned about this  
14 purchase or transaction after you were laid off, is that  
15 right?  
16 A Oh, correct.  
17 Q Okay. Now, are you aware that a change of  
18 operations committee met to decide seniority issues arising  
19 from the ABF-Carolina merger?  
20 A I wasn't aware of that, no. All I knew was  
21 that they merged and then I was called in my form that I had  
22 a grievance. I think it was probably in November of '95  
23 that ABF called and offered me road jobs at 3 different  
24 places or if I didn't take them I had to stay in layoff  
25 status at Carlisle. That's what it consisted of, the phone

BECHTEL, RICKEY  
3/7/2002

BECHTEL VS  
VIRTUE

78

1 paper there we had earlier and a copy of the want ad. I  
2 think I've seen most of this before, yes.  
3 BY MS. WALSH:  
4 Q Okay. Let me just ask you a couple  
5 questions. Did you read the brief, this document marked as  
6 Bechtel 23, prior to the time of the Eastern Region  
7 conference?  
8 A Oh, yeah, because Chuck and I sat down and  
9 went over it.  
10 Q You did?  
11 A Yes.  
12 Q Okay. When did you sit down and go over it in  
13 relation to when the Eastern Region conference was held?  
14 A I can't give you an exact date, but, like I  
15 said, we had two meetings at least. One we rough drafted  
16 it. Then he filled it out, and then he gave it to me and I  
17 looked over it, but this is only part of what he presented.  
18 I don't think this is everything that was presented at the  
19 hearing.  
20 Q There were additional documents presented?  
21 A I think so.  
22 Q Do you recall what those were?  
23 A I think a decision from Washington. Without  
24 my stuff -- I didn't bring it along. I didn't know I needed  
25 it.

79

1 Q Okay. No, that's fine. I just want to focus  
2 now on the brief. Did you have an opportunity to make  
3 comments on the brief prior to the time it was submitted at  
4 the Eastern Region conference?  
5 A I left it mostly up to Chuck because he knows  
6 the contract and basically I can say I briefly -- I believe  
7 I understood most of what he had. It looked like he was  
8 fighting for what I wanted.  
9 Q Okay. Did you discuss the brief with anyone  
10 else other than Chuck?  
11 A I probably talked it over with somebody, but I  
12 know for sure I talked with Ray about it.  
13 Q Anyone other than Ray?  
14 A It's hard to say. I probably could have.  
15 Q Did Ray make any comments about the brief?  
16 A Oh, I'm sure he said something somewhere along  
17 the line.  
18 Q Did you pass those comments along to Chuck  
19 Shughart?  
20 A If I thought there was something, you know,  
21 worthwhile.  
22 Q Right.  
23 A It's just that I hadn't been in this for  
24 awhile. I lay my faith -- I try to lay my faith in the  
25 union because they're at it every day. You know, I'm just a

80

1 guy trying to make a living.  
2 MS. WALSH: Let me mark this as Bechtel  
3 Exhibit 24.  
4 (Brief marked as Bechtel Exhibit 24.)  
5 BY MS. WALSH:  
6 Q Do you recognize this document that we've  
7 marked as --  
8 A This looks like the brief that Chuck and I  
9 went through and hacked around and changed this this way,  
10 that way, whatever, before the final draft.  
11 Q On this last page, this handwritten page  
12 attached to the back of the brief, is that your handwriting?  
13 A Oh, that looks like mine.  
14 Q Okay. Did Mr. Shughart make all the changes  
15 that you wanted made?  
16 A I believe he did, yes.  
17 Q Okay. And did you approve or agree with the  
18 final version of the brief as it was submitted?  
19 A To the best of, you know, whatever I know  
20 about this, I thought it was fairly presented.  
21 Q Okay. Was there anything that he did not put  
22 in the brief that you asked him to?  
23 A I don't think so. I think he was pretty --  
24 like I said, I put my faith in him.  
25 Q Okay. All right. Now, you said that you

81

1 attended the hearing, the Eastern Region joint area  
2 committee hearing; is that right?  
3 A (Witness nods head affirmatively).  
4 Q Who else attended the hearing?  
5 A At my hearing?  
6 Q Right, right, regarding your grievance.  
7 A Chuck Shughart was there. I think Tom  
8 Griffith was there. I'm not sure if there was anybody -- I  
9 think Tom was there and maybe a couple BA's. I'm not sure  
10 exactly who all was there.  
11 Q Anyone from ABE that you recall?  
12 A Oh, yeah, they had somebody there. I don't  
13 remember the name.  
14 Q Okay. Who argued your grievance?  
15 A Chuck.  
16 Q And you said that you also had the opportunity  
17 to speak at the hearing?  
18 A Yes. I'm pretty sure I got to speak at that  
19 one, and then I ended up in Florida. I'm pretty sure you  
20 get a chance at the end.  
21 Q Right. How long did the hearing last  
22 approximately?  
23 A Forty-five minutes maybe. I don't know. I'm  
24 just guessing.  
25 Q Right. And do you recall about how much time



BECHTEL, RICKEY  
3/7/2002

BECHTEL VS  
VIRTUE

114

1 Q Did you consider Local 776 to be the union  
2 that was responsible for processing your grievance?  
3 A Oh, definitely. That's -- I don't know how  
4 you would go out of your -- I personally don't know how you  
5 would go out of your -- I mean, they're my local. That's  
6 where your grievance would be handled. My grievance is for  
7 Carlisle, and they're the local that's dealing in that  
8 area. If there was a way to go other than that, I don't  
9 know of it.  
10 Q Now, did you discuss your grievance with  
11 anybody from the international?  
12 A No, no.  
13 Q Do you even know anybody from the  
14 international who is an international representative other  
15 than myself? I guess I introduced myself.  
16 A Personally, no, no. I guess back in '95 it  
17 was Carey and now it's Morris, but, no, I didn't call none  
18 of them guys.  
19 Q You didn't call them? And is it true that you  
20 didn't call them because you didn't think they were  
21 responsible for processing your grievance?  
22 A The local union's responsible for my grievance  
23 and I would say the international should be making sure that  
24 -- because you see the Teamster magazine all the time where  
25 they're looking over and trying to govern over the locals

115

1 that aren't what they should be -- you know what I'm saying  
2 -- to make sure that things are going the right way. I  
3 just felt that I was wronged.  
4 Q Is it true in your lawsuit that you filed that  
5 the main reason why you filed the lawsuit is because you  
6 think that -- you disagreed with the grievance panel's  
7 decision?  
8 MR. MIRIN: I'm going to object to the form of  
9 the question. It calls for a legal conclusion on the part  
10 of the witness as to the basis for his action.  
11 BY MR. McCALL:  
12 Q Okay. You can answer. My question is, the  
13 main reason why you filed your lawsuit, is it true it is  
14 because of the fact that you disagreed with the change of  
15 operations committee's decision on your grievance?  
16 A I would say after I talked to Chuck and he  
17 said there is no other provisions to advance through the  
18 union I would say it would probably be correct in that I was  
19 wronged and not given -- somehow they took it from one  
20 context and changed it to another. I don't know how that  
21 was done. I was laid off one way and all of a sudden now  
22 I'm out in the street with no recall rights, and I don't  
23 understand how that happened. I think it should have been  
24 -- I was wronged, and it should be corrected.  
25 Q Would you agree that you filed your lawsuit

116

1 because you believe that the grievance -- that the change of  
2 operations committee decided your case wrong?  
3 A If they were to decide in favor, we wouldn't  
4 be here. I would say you're probably correct. You know  
5 what I'm saying? If it would have been in my -- we wouldn't  
6 be here -- in my favor we wouldn't be here. If you want to  
7 get to where you think you should be, sometimes we have to  
8 do alternative routes. The only other thing after asking --  
9 and there was nothing left that I knew to do was to get to  
10 where I needed to be and get the right wronged or the wrong  
11 righted. This is the only avenue I knew.  
12 Q Right. And what you're really trying to do is  
13 get the grievance panel's decision and the change of  
14 operations committee's decision reversed, is that true,  
15 through this lawsuit?  
16 A Get it to in my favor, yes, and get righted  
17 for what was wronged as far as what was compensated, yes. I  
18 just felt that it wasn't -- some areas got stuff that we  
19 didn't get. And I didn't find this out until after the  
20 grievances, you know. How can one area get something and we  
21 don't get the same thing? We're all local Teamsters. We're  
22 all under the United Brotherhood of Teamsters. We should  
23 all be treated the same.  
24 Q Now, you attended all the grievance hearings  
25 relative to your particular grievance; right?

117

1 A That's correct.  
2 Q And you felt that all -- you had an  
3 opportunity to say everything that you wanted to say at  
4 those hearings to support your case; isn't that also  
5 correct?  
6 A I think that -- yeah, I would say yes.  
7 Q And you also --  
8 A To the best of my knowledge, you know, of what  
9 I know.  
10 Q You also participated in preparing your case  
11 for these grievance panels, didn't you?  
12 A Oh, yes.  
13 Q And you felt that Mr. Shughart did a very  
14 thorough job in preparing the case?  
15 A To my best of knowledge, I mean, he -- I've  
16 got to put my trust in my business agent to know the  
17 contract better than -- when I was a shop steward, I would  
18 often have to go and ask. You know, shame on me, I should  
19 know better, but I don't. I had to put my faith in them.  
20 I'm not -- I mean, they have been to schools with the  
21 International Brotherhood of Teamsters, you know, they get  
22 schooled on all this stuff. They should be able to handle  
23 it.  
24 Q You don't have any complaints with the way  
25 Mr. Shughart performed his job, do you?

BECHTEL, RICKEY  
3/7/2002

BECHTEL VS  
VIRTUE

166

1 A I just called him and asked him if he heard  
2 anything about ABF, what's going on over there. That's when  
3 he told me he went back, because the last I knew he was  
4 running mail. Through the grapevine you hear. He said he  
5 found out by word of mouth that they were hiring drivers or  
6 something. I don't know.  
7 Q As far as Exhibit 8, which is your grievance,  
8 you already indicated you spoke to Mr. Snyder about the  
9 grievance when preparing it. Did you speak to anyone else?  
10 A You're saying Exhibit A?  
11 Q Exhibit 8.  
12 A Oh, excuse me. I would have spoke to Chuck  
13 and everything after it was all filed and everything -- when  
14 we filed it and everything, yes.  
15 Q I'm referring to the preparation of words so  
16 stated on Exhibit 8. Did you talk to anyone at the local  
17 union about the wording on Exhibit 8, or was it just the  
18 wording of you and Ray Snyder?  
19 A I'm not sure if I talked to Shughart or not on  
20 that. I know I talked to Shughart on different occasions,  
21 but I'm not sure before I filed it if I did or if I did not.  
22 Q Exhibit 9 is the letter that you sent with the  
23 grievance, which is Exhibit 8; is that correct?  
24 A You asked me what again?  
25 Q Exhibit 9, is that the letter that you sent to

168

1 Q Okay. Is an example of that Exhibit 11?  
2 A Yes.  
3 Q I trust your letter, Exhibit 11, crossed the  
4 mail with Mr. Shughart's March 29, 2000 letter, which is  
5 marked as Exhibit 12?  
6 A That's the date that we were to meet with the  
7 company, yes, as far as I can remember.  
8 Q But Mr. Shughart, again, kept you abreast as  
9 to the meeting with the company?  
10 A After I sent him the letter from -- after I  
11 sent him Exhibit 11, he sent me 12.  
12 Q Okay. The dates on 11 and 12, can we agree  
13 they're the same date?  
14 A Well, it looks like it was signed -- the date  
15 of delivery says the 31st. They must have crossed in the  
16 mail, so it must have been pretty much simultaneously.  
17 Q And you attended the meeting on April 5?  
18 A Yes, I did.  
19 Q Okay. And you had an opportunity to be heard?  
20 A Yes.  
21 Q Did you speak at the meeting?  
22 A Yes.  
23 Q Did Mr. Shughart allow you to speak?  
24 A Yes.  
25 Q Did anyone stop you from speaking at the

167

1 enclose the grievance, which is Exhibit 8?  
2 A When we sent it in to the company, yes.  
3 Q Okay. Well, actually on the bottom it says  
4 Teamsters Local 776. Is that who you sent the grievance  
5 to? Did you send it to --  
6 A Yeah, okay. Yeah, it would have.  
7 Q And you also sent it to the company at the  
8 same time?  
9 A I believe that is correct.  
10 Q And is it fair to say that the letter wasn't  
11 addressed to anyone in particular at the union hall?  
12 A I didn't know who to send it to. I think I  
13 just sent it to the local.  
14 Q And only after sending this letter is when you  
15 heard from Chuck; correct?  
16 A Right, right. Yeah, I think that would be  
17 correct.  
18 Q And Mr. Shughart responded to your grievance  
19 with Bechtel Exhibit 10? I'm just going to go through these  
20 quick.  
21 A Yes.  
22 Q And is it fair to say that Mr. Shughart kept  
23 you abreast as to the developments regarding the grievance?  
24 A Well, I would send stuff if I felt it went too  
25 long.

169

1 meeting?  
2 A No, no.  
3 Q After the meeting did Mr. Shughart send a  
4 letter to Andy Upchurch, which is Exhibit 13? Did you get a  
5 copy of that at that time?  
6 A Yes. I think I did, yes.  
7 Q And during this grievance process you did ask  
8 for information from Mr. Shughart to obtain from the  
9 company?  
10 A Yes.  
11 Q And Mr. Shughart again responded to your  
12 request?  
13 A I got stuff. I don't know if I ever got  
14 everything, but yes.  
15 Q Is there anything sitting here today that you  
16 can tell us that Mr. Shughart did not provide you that you  
17 requested?  
18 A I'm sure that -- off the top of my head, I  
19 would say no, that I can think of. I mean, whether he knew  
20 something that I didn't know I can't speak to that.  
21 Q I'm not asking you about things you know. I'm  
22 asking is there anything that you requested from  
23 Mr. Shughart that he didn't provide to you?  
24 A The seniority list I got. Did I get a layoff  
25 notice? I think it's safe to assume or to say, yes, that he



BECHTEL, RICKEY  
3/7/2002

BECHTEL VS  
VIRTUE

170

1 gave me what I knew to ask for.  
2 Q Okay. Did you ever ask anyone else from the  
3 Teamsters Local 776 or the International Brotherhood of  
4 Teamsters that you did not receive, any documents?  
5 A I channeled everything through Chuck. He was  
6 to -- he would know better what to ask than I would.  
7 Q Okay. You indicated that you had some  
8 meetings I guess at the union hall and you spoke to a  
9 variety of business agents, but your main person was Chuck  
10 Shughart?  
11 A Correct.  
12 Q These other individuals, is there anything  
13 particular you recall from your conversations with the other  
14 individuals you've named?  
15 A Danny Virtue was in and out at times and put  
16 whatever his input -- you know, whatever he thought should  
17 be mentioned, but he didn't agree with the dock workers at  
18 all. He's strictly a road driver BA.  
19 Q What did Dan Virtue state that you recall?  
20 A I can't give you any real word for word. You  
21 know, I'm not going to stand and give you word for word and  
22 then you pick it apart, but I sort of got negative vibes out  
23 of it.  
24 Q What comments did he make that gave you these  
25 negative vibes?

171

1 A It's not so much the comments. It's how he  
2 would answer questions when you were asking him. It's just  
3 he gave me the opinion that he didn't need to talk to me.  
4 Q Okay. But Chuck Shughart was your go to guy  
5 at Teamsters Local 776?  
6 A That's why I put everything in Chuck.  
7 Q Did you know Carlos Ramos?  
8 A He was a dock worker, yes, and a business  
9 agent.  
10 Q He was a dock worker where?  
11 A Carolina Freight.  
12 Q Did you work with Carlos?  
13 A Oh, yes.  
14 Q Was he also on the seniority list at Carolina?  
15 A If I worked with him I know he was on, yes.  
16 Q And he was still a business agent in this  
17 period of 1995?  
18 A He was still in the hall.  
19 Q Is he still in the hall today to the best of  
20 your knowledge?  
21 A I think he is.  
22 Q Do you know what happened to Mr. Ramos'  
23 seniority?  
24 A No, I don't.  
25 Q Any knowledge as to whether Carlos was treated

172

1 any differently than anyone else?  
2 A I have no idea.  
3 Q Do you know of anyone at Carolina that was  
4 treated differently than anyone else?  
5 A Carolina in Carlisle or Carolina guys  
6 altogether?  
7 Q Carolina Carlisle.  
8 MR. MIRIN: Thank you. You clarified that.  
9 A I don't see these guys, so I can't say that I  
10 know of anybody. No, I don't.  
11 BY MR. WEINSTOCK:  
12 Q Regarding the grievance, was there any other  
13 sections of the contract that you thought were relevant to  
14 your grievance besides those stated within the grievance?  
15 MR. MIRIN: I object to the term relevant.  
16 It's a legal term which requires the witness to make an  
17 assessment of the rules of evidence. It's a legal  
18 conclusion. It calls for a legal conclusion.  
19 MR. WEINSTOCK: I don't think it does call for  
20 a legal conclusion. The witness definitely wrote his  
21 grievance, and I trust he wasn't represented by any counsel  
22 at that time.  
23 BY MR. WEINSTOCK:  
24 Q If you could please answer the question?  
25 A When I wrote the grievance, there's always a

173

1 chance to amend it, and Chuck did not see fit to have it  
2 amended any different than any way that I had it written  
3 up. In speaking with him he knew what my grievances were  
4 with how it was handled and he knew where -- you know, what  
5 the end result was that I was looking for. Like I said, I  
6 channeled everything through Chuck to make the right  
7 decisions on what goes in because the BA's actually do have  
8 the last say on what goes in and what doesn't go in those.  
9 Q But you wrote this grievance, Exhibit 8,  
10 without Chuck or anyone else from the local; correct?  
11 A To get it in in time I did but knowing that he  
12 can amend it.  
13 Q And there was an amendment made to the  
14 grievance?  
15 A I think he did amend a little bit to it, yes.  
16 Q And that was an amendment as to the damages,  
17 correct, if you know? If you don't know --  
18 A I'm not sure. I know -- the important thing  
19 to me was to get the grievance in and get it -- you know,  
20 because I know -- once you know, you've got to get it done.  
21 Q Every brief that Chuck Shughart submitted at  
22 the different levels of the grievance process you had an  
23 opportunity to review prior to when it was submitted?  
24 A It was the same grievance.  
25 Q Yes, but you had an opportunity to review the

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



LEGAL DEPARTMENT

OFFICE: (202) 624-6945  
FAX: (202) 624-6884

March 27, 1995

Thomas Griffith, President  
Teamsters Local Union No. 776  
2552 Jefferson Street  
Harrisburg, Pennsylvania 17110

RE: Carolina Freight Carriers Corporation

Dear Mr. Griffith:

Enclosed you will find a Notice provided by Carolina Freight Carriers Corporation pursuant to the Workers Adjustment and Retraining Notification Act. Carolina Freight Carriers Corporation has developed tentative plans to permanently discontinue the Company's freight transportation operation at its facility located at One Carolina Drive, Carlisle, Pennsylvania 17013. Employment separations are expected to commence on or about May 21, 1995 affecting the entire Carlisle facility.

This letter is being forwarded to you so that you can monitor the employer's actions to assure that they are in compliance with the WARN Act. Please contact the undersigned if you have any questions with regard to the enclosed notice.

Sincerely,

Paula J. Caira

PJC/mk

Enclosure

cc: Dennis Skelton, Director, Freight Division

THOMAS VINSON  
VICE PRESIDENT  
ANDREW C. REILEY  
RECORDING SECRETARY  
MELVIN HARRIS  
TRUSTEE  
TERRY L. KING  
TRUSTEE  
JEANETTE WATERS  
TRUSTEE

4

Local Union No. 776

AFFILIATED WITH THE  
International Brotherhood of Teamsters  
2552 JEFFERSON STREET  
HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT  
DALE H. CRUM  
SECRETARY TREASURER AND BUSINESS AGENT

BUSINESS AGENTS

JOHN L. FOGLE  
CARLOS N. RAMOS, I.  
CHARLES SHUGHART  
GEORGE F. SMART, SR.  
RUSSELL A. STEPP  
DANIEL A. VITTE

October 12, 1995

Dear Carolina Employee:

This letter is important. Please take the time to read it.

Surely you're aware that ABF and Carolina Freight recently merged their operations. Because of that merger, a change of operations was held on September 14/15, 1995.

As a result of the decision from the change of operations committee, the Carolina employees who are laid off at Carlisle, Pa will have certain rights to future work opportunities with ABF. Article 5, Section 5 of the NMFA addresses those rights. Those work opportunities will be offered to laid off Carolina employees in seniority order. However, it is necessary that you notify ABF in writing of your desire to be offered available work.

Enclosed is a form letter and an envelope. If you desire to be offered available work, you must complete the letter and mail it to ABF as soon as possible. If you desire, you may also draft your own letter instead of using the form letter. It is your choice to send the letter via regular mail or certified mail. In either case, I suggest that you keep a copy of the letter as your file copy.

You should mail the letter to ABF today. On October 16, 1995, the Company will begin compiling the list of employees who desire available work.

If you have any questions, please feel welcome to contact us.

Sincerely,

Charles Shughart  
Business Agent

3

Bechtel Rickey A  
(last) (first) (m.i.)

2072 Locust Lane  
street / P.O. Box

Hummelstown PA 17036  
(city) (state) (zip)

717-566-0609 179-52-1833  
(home phone) (social security #)

10-15-95  
(date)

Steve Walters, Terminal Manager  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, Pa 17072

Ref: Employment opportunities under Article 5, Section 5 of the NMFA

Dear Mr. Walters:

Please be advised that I am interested in work opportunities that become available at ABF.

I am interested in available work at the below areas: (Mark only one block).

- ☒ Carlisle/Camp Hill, Pa  
☐ Other terminals in ABF's system

I am a qualified:

☐ Road Driver  
☒ Jockey  
☒ Dockworker

Sincerely,

Rickey A Bechtel  
(Signature)

2-1-86  
OK

left msg - 2:10 P.M. - 11-8-95  
Declined 11-8-95 - 2:45 P.M.



ABF FREIGHT SYSTEM, INC.  
P. O. Box 10048  
Fort Smith, AR 72917-0048  
(501) 785-8700

November 9, 1995

Certified Mail No. Z 093 690 533  
Return Receipt Requested

Mr. Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Re: Article 5, Section 5 Job Offer in Accordance with  
ABF Multi-Region Change of Operations MR-CO-38-9/95

Dear Mr. Bechtel:

In accordance with paragraph 7 of the decision in the above referenced change of operations, on November 8, 1995, you were contacted and offered an opportunity to transfer to permanent employment in your classification at Waco, Omaha, Brattleboro, New Haven, Cedar Rapids, Waterbury, Fairfield, Minneapolis or Newark.

This letter is to confirm that you elected to decline the job offer and to remain in layoff status at Carlisle, PA.

Sincerely yours,

A handwritten signature in cursive script that reads "Gordon Ringberg". The signature is written in dark ink and is positioned above the typed name.

Gordon Ringberg, Director  
Industrial Relations

cbf

cc: John Dale, Vice President-Transportation/Industrial Relations

Teamsters Local Union No. 776  
Certified Mail No. Z 093 690 525  
Return Receipt Requested

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKEY A. BECHTEL,  
Plaintiff

v.

DANIEL A. VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS; ABF  
FREIGHT SYSTEM, INCORPORATED,  
Defendants

NO.

JURY TRIAL DEMANDED

FILED  
HARRISBURG

MAY 04 2001

MARY E. D'ANDREA, CLERK  
Per TVB  
DEPUTY CLERK

COMPLAINT

NOW COMES, Plaintiff, Rickey A. Bechtel, by and through counsel, Robert S. Mirin, hereby lodges this Complaint against Daniel A. Virtue, Business Agent/Manager of the International Brotherhood of Teamsters; International Brotherhood of Teamsters; Local 776, International Brotherhood of Teamsters; ABF Freight System, Inc., and in support thereof avers the following:

JURISDICTION

1. Jurisdiction is vested in this Court under 28 U.S.C. §1331 et seq., and its authority to adjudicate federal claims under the federal laws and Constitution of the United States. The federal law in question arises under §301 of the Labor Management Relation Act at 29 U.S.C. §185.



**VENUE**

2. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. §1391(b), and is properly lain in that court because the claim arose from employment related actions of the International Brotherhood of Teamsters, and its Local Union 776 and ABF Freight System, Inc., within the Middle District of Pennsylvania.

**PARTIES**

3. Plaintiff, Rickey A. Bechtel, is an adult individual who resided, at all times material to this complaint, at 2072 Locust Lane, Hummelstown, PA 17036.
4. Defendants are as follows:
  - (1) Defendant, Daniel A. Virtue, is an adult individual employed as the Business Manager for the International Brotherhood of Teamsters, Local Union #776, (hereafter referred to as "Local Union") located at 2552 Jefferson Street, Harrisburg, Pennsylvania 17110-2505. As Business Manager, Defendant Virtue, at all times material to this litigation, was responsible for the administration of the International and Local Union's rights and obligations, including the Unions' involvement with the grievance arbitration process under the controlling collective bargaining agreement.
  - (2) Defendant, the International Brotherhood of Teamsters (hereafter referred to as "Union"), is an International Union and parent organization of the Local Union #776 (hereafter referred to as "Local Union"). The Union's headquarters are located at 25 Louisiana Avenue, NW Washington, D.C., 20001, and at all times

material to this litigation is/was, inter alia, responsible for oversight for and the administration of the collective bargaining agreement which regulates the employment rights of the Plaintiff.

(3) Defendant Local 776, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America is a Local Union chartered and regulated by the International Union.

- i. Said Local Union is located at 2552 Jefferson Street, Harrisburg, Pennsylvania 17110-2505, and is involved with the day to day administration of any current master and local collective bargaining agreement, which controlled and controls Plaintiff's current wage, hours and conditions of employment including seniority rights, and performed the same functions under the collective bargaining agreements under which the Plaintiff was employed prior to and up to 1995.
- ii. Said Local Union represented Plaintiff while he was employed at Carolina Freight's Carlisle, Pennsylvania facility, until Carolina Freight's merger with ABF Freight System, Inc. and thereafter as a laid-off ABF employee.
- iii. Both employer entities operated under the same collective bargaining agreement which was serviced by the same Local Union (Local 776).

(4) Defendant, ABF Freight System, Inc, (hereafter referred to as "ABF"), is a corporation located at 3801 Old Greenwood Road, Fort Smith, Arkansas 72903-5937 engaged in intra and inter state commerce and is a successor to Carolina Freight, a corporation which was also engaged in intra and interstate commerce at

all times material to this litigation. Both employer entities operated freight terminals within the Middle District including but not limited to terminals in Carlisle, Pennsylvania.

### BACKGROUND

5. Rickey A. Bechtel was employed as a platform jockey in the Carlisle facility at the time of his layoff in 1995 by Carolina Freight at the time of its merger with Defendant ABF and was employed by Defendant ABF as Carolina Freight's successor under the National Labor Relations Act at all times material to this litigation, and represented by the Local Union and the International Union.
6. At the time of the layoffs, when the Carolina Freight facility was shut down, Mr. Bechtel, along with other Carolina Freight employees, was told that he would have five (5) years of accrued recall rights in Carlisle, PA under the local collective bargaining supplement to the National Freight Agreement which, inter alia, covered Defendant ABF.
7. Thereafter, Mr. Bechtel was employed in a variety of driving positions and other employment in the Cumberland and Dauphin County areas.
8. On or about November 9, 1995, ABF advised Mr. Bechtel that,  
"in accordance with paragraph 7 of the decision in the above referenced change of operations, on November 8, 1995, you were contacted and offered an opportunity to transfer to permanent employment in your classification at Waco, Omaha, Brattleboro, New Haven, Cedar Rapids, Waterbury, Fairfield, Minneapolis or Newark. This letter is to confirm that you elected to decline the job offer and to remain in layoff status at Carlisle, PA."
9. Between November 9, 1995 and February of 2000, Mr. Bechtel had no contact from either the Local Union or ABF; although, he had occasion to be employed at Roadway Express,

which is an employer covered by the same collective bargaining agreement and Local Union as was/is in place at Carolina Freight and ABF in Carlisle, Pennsylvania.

10. Mr. Bechtel learned, by word of mouth, that there appeared to vacancies at the "Carlisle Barn" of ABF and undertook to contact ABF in February of 2000.
11. When Mr. Bechtel was not returned to work at the Carlisle facility, he filed a grievance within the prescribed contractual timeframe, or less than seven (7) days from the date that he learned he was not being recalled by ABF in Carlisle.
12. Thereafter, the Local Union, accepted his grievance and processed the grievance through the local and eastern conference steps up to November 8, 2000.
13. Throughout this period of time, (May 1995 to date), the Local Union and the International Union, failed and refused to provide information concerning recall status.
14. Notwithstanding the letter of November 9, 1995 signed by Gordon Ringberg, director of Industrial Relations at ABF, the company and union took the position, as a result of the Eastern Conference disposition, of which Mr. Bechtel learned on November 8, 2000, that his claim that he was entitled to recall to work at the Carlisle facility would not be honored or pursued further by Defendant Unions.

**COUNT I**  
**BREACH OF COLLECTIVE BARGAINING AGREEMENT**

15. Paragraphs 1 through 14 are incorporated herein as if set forth at length.
16. The employer and union continue to fail to observe the provisions of the National Master Freight Agreement or relevant provisions of the governing Supplemental Agreement concerning recalls from layoff.
17. The Carlisle Carolina Freight break freight location, at which Mr. Bechtel was hired and

worked prior to 1995, was the predecessor location of Carolina Freight which was merged into the ABF break-freight facility located in Carlisle, Pennsylvania immediately adjacent to Carolina Freight's facility.

18. Carolina Freight work, which was performed out of the predecessor (Carolina Freight) facility, is now performed by ABF largely out of the ABF Carlisle facility.
19. In 1995, at the time of the layoff from Carolina Freight (hereafter referred to as "CF"), the merger between CF and ABF was in process and known to defendants.
20. The two facilities (CF and ABF) were geographically located side by side in Carlisle, Pennsylvania.
21. The administration of the labor agreements, in question, by defendants, and the relevant seniority provisions have been tainted by improper, political considerations having to do with the prior employment status of laid off employees as previously employed by Carolina Freight verses pre-1995 employment by Defendant ABF.
22. The Defendants have failed and refused to implement the recall provisions of the relevant labor agreements.
23. The employer's course of conduct and action has been condoned and ratified by the Local Union.
24. Thus, Plaintiff has suffered diminished rights, entitlements and earnings, by virtue of the fact that his recall rights were not honored by ABF.

**COUNT II**  
**UNIONS BREACH OF ITS DUTY OF FAIR REPRESENTATION**  
**BY MISHANDLING THE ENSUING GRIEVANCE OR**  
**ARBITRATION PROCEEDINGS.**

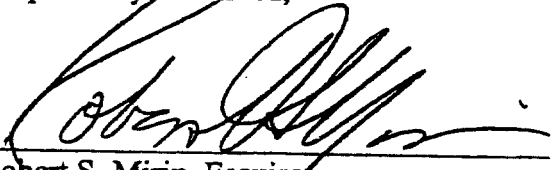
26. Paragraphs 1-24 are incorporated herein as if set forth at length and in full.

27. For the above stated reasons, Plaintiff maintains that the Unions breached their duty of fair representation by refusing to further process Mr. Bechtel's grievance up to and including arbitration proceedings.
28. The Local Union has failed, at the terminal level and/or through the grievance procedure, to fairly represent Plaintiff.
29. The International Union is responsible for Union policy, the National Master Freight Agreement and, inter alia, the creation and oversight of the Local Union and has failed to insure the fair representation of Plaintiff.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court to enter judgment against the Defendants and in favor of Plaintiff, and require that Defendants reinstate Plaintiff, with appropriate seniority, and make Plaintiff whole for any economic loss resulting from Defendants' conduct, award compensatory damages, attorney's fees, and such other relief as this Court deems appropriate.

Dated: 5/04/01

Respectfully submitted,



Robert S. Mirin, Esquire  
Supreme Court I.D. No. 25305  
AHMAD & MIRIN  
8150 Derry Street, Suite A  
Harrisburg, PA 17111  
(717) 909-4343

ATTORNEY FOR PLAINTIFF



**CERTIFICATE OF SERVICE**

I, Kathleen M. Campbell, certify that a true and correct copy of the foregoing *Complaint* has been served by First-class mail, postage pre-paid, as follows:

International Brotherhood of Teamsters  
Local 776  
2552 Jefferson Street  
Harrisburg, PA 17110-2505

International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, D.C. 20001

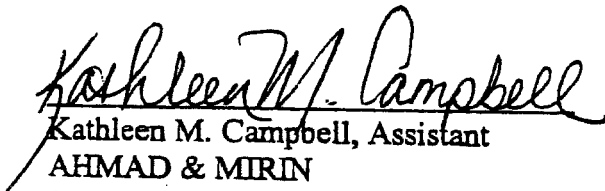
ABF Freight Systems, Inc.  
3801 Old Greenwood Road  
Fort Smith, AR 72903-5937

Courtesy copy:

Ira Weinstock, Esquire  
800 North Second Street  
Harrisburg, PA 17101

Date:

*May 4, 2001*

  
Kathleen M. Campbell, Assistant  
AHMAD & MIRIN  
8150 Derry Street, Suite A  
Harrisburg, PA 17111  
(717) 909-4343

**NMFA GRIEVANCE — Teamsters Local 776**

94530

Name Rickey A. Bechtel Home Phone 717-566-0600 Date of Hire 2-85  
 Address 2072 Locust Lane City Hummelstown State PA Zip 17036  
 Employer ABF  
 Employer's Address Carlisle  
 Road ☒ Dock ☒ Jockey ☒ City ☒ Iron and Steel ☐ Mechanic-Office ☐ Miscellaneous ☐  
 IMPORTANT: It is the responsibility of the member filing this grievance to issue the proper copies to all parties in a timely manner, as per your contract.  
 Date: Feb 20, 2000 8 59 PM

NATURE OF GRIEVANCE: I am filing this grievance due to the fact that I am a laid-off ABF employee at Carlisle, Pa. (see attached letter marked exhibit #1). It has come to my attention that ABF is hiring at Carlisle, Pa terminal and I am filing this because I have not been contacted for any available work opportunities. Under the NMFA that was in effect in 1985 when I was laid off Article #5 section 2 states that "If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall such employees shall be "dovetailed" into the active seniority roster with their continuous classification (road or city) seniority dates they are currently exercising which shall then be  
 STEWARD'S COMMENTS: ~~exercised~~ exercised for all purposes.

Attachments: 1 grievance, 1 exhibit letter, 1 letter requesting written decision from Local 776  
 In accordance with the Grievant's Bill of Rights, I am requesting, in writing, copies of all disciplinary letters, photos and any other documentation pertaining to this grievance.

Rickey A. Bechtel  
 Signature of Member Filing Grievance

[Signature]  
 Shop Steward

☒ YOU must check this box if you want to attend the grievance hearings. If you request to be in attendance, YOU WILL NOT be paid for this time.

ACTION TAKEN BY BUSINESS AGENT \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Business Agent \_\_\_\_\_

1—WHITE—UNION COPY  
 2—PINK—EMPLOYER  
 3—BLUE—EMPLOYEE REPORTING GRIEVANCE  
 4—YELLOW—STEWARDS

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

2552 JEFFERSON STREET, HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

10

February 29, 2000

Rickey A. Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

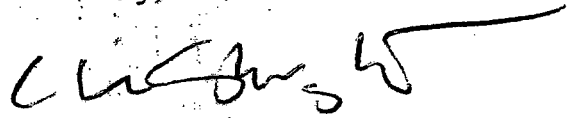
Ref: Grievance 94530

Dear Thomas:

Your above referenced grievance was received. It has been forwarded to ABF. I will advise you of any scheduled meetings or hearings regarding the grievance.

Please contact me if you have any questions.

Sincerely,



Charles Shughart  
Business Agent

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

• AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS •  
2552 JEFFERSON STREET • HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY-TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

March 29, 2000

Rickey A. Bechtel  
2072 Locust Lane  
Hummelstown, Pa 17036

Ref: Grievance # 94530

This confirms that your above referenced grievance will be discussed at the company level on Wednesday, April 5, 2000 at 9:00 a.m.

The meeting will be held in the conference room at the inbound dock office (Old Smith Terminal).

Contact me if you have any questions.

Fraternally,

*Charles W. Shughart*  
Charles W. Shughart  
Business Agent

CWS/kad

12

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

2552 JEFFERSON STREET, HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

April 5, 2000

13

Andy Upchurch  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, PA 17072

Ref: Meeting of April 5, 2000

Dear Andy:

On April 5, 2000, a meeting was held at the Carlisle terminal to discuss grievances 94530 (R. Bechtel) and 94532 (Thomas Schildt). In attendance was David Quidort, both grievants you and me. The following was discussed.

The grievants are claiming recall rights from layoff under Article 5, Section 2 of the NMFA. Mr. Bechtel amended his grievance at the table to include compensation for lost earnings and benefits. The same request was not made by Mr. Schildt. It was the position of the Company that the timeliness of the grievances could be an issue. We were not able to determine the date of layoff for either grievant, but Mr. Schildt provided a pay stub, indicating that he was paid for work performed in the pay period ending 3/18/95. The parties will search for records that will clarify the dates of layoff. It was also the position of the Company that they had no obligation to recall Carolina employees who were in layoff status prior to the merger/purchase by ABF Freight Systems. The provisions of Article 5, Section 5 were discussed. No resolution was reached on either grievance.

The grievances remain pending and will be placed on the docket for the next ERJAGC, unless resolved prior to that date.

Sincerely,



Charles Shughart  
Business Agent

cc:  
Grievants

15

May 17, 2000

To: B/A Shughart Local #776  
Re: Grievance #94530

B/A Shugart,

I am requesting a seniority list of Union Employees at ABF in Carlisle, PA. I need names of employees, seniority number, date of hire, and classification each employee is qualified. This seniority list needs to be as current as of this letter.

I am also requesting a lay-off list of the Carolina Freight Union Employees laid-off in Carlisle, PA in 1995. The list needs to show date of lay-off of each employee and classification qualification.

I need these lists and any other available information that will be of importance to my grievance.

Respectfully,

Rickey A. Bechtel



PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

2552 JEFFERSON STREET, HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

16  
May 24, 2000

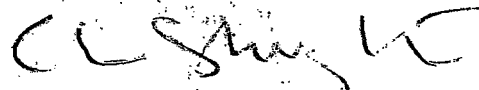
Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Letter Dated May 17, 2000

Dear Rickey:

Your above referenced letter was received. I have requested ABE to provide me with an updated seniority list. I will forward it to you when received. With respect to a list of laid-off Carolina employees, I'm not aware that such a list exists or ever existed. I've reviewed the Company file and have not located such a document. As you know, I was not the business agent for Carolina employees; therefore I did not maintain any separate files, nor am I fully aware of what correspondence was received or not received. I can only provide information that is in the Company file. I will continue to search for such a document. If found, I will provide it to you.

Sincerely,



Charles Shughart  
Business Agent



ABF FREIGHT SYSTEM, INC.

P. O. BOX 1925

NEW KINGSTOWN, PA. 17072-1925

June 5, 2000

Charles Shughart  
TEAMSTERS LOCAL 776  
2552 JEFFERSON ST.  
HARRISBURG, PA. 17110

Dear Chuck:

Attached is our most current seniority roster you requested in your letter dated May 24, 2000. As you are aware, there is no lay-off list.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Upchurch", written over the typed name.

Andy Upchurch  
Branch Manager

AU/cf

Exhibit (8)

**ABF**  
**Seniority List**

**CAR-042**  
**Road & Local**

Date Rev: **4/30/2000**

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
1	Charles	Weddington	R	16-Jul-68	16-Jul-68
2	Kenneth	House	R	03-Jul-69	13-Jul-69
3	Norman	Sipek	R	08-Aug-72	08-Aug-72
4	Roger	Pederson	L	06-Jan-73	06-Jan-73
5	Ronald	Langley	R	15-May-73	15-May-73
6	Roy	Frazel	L	17-Aug-73	17-Aug-73
7	William	Hahn	R	13-Oct-73	13-Oct-73
8	Larry	Smith	L	20-Jun-74	20-Jun-74
9	Harvey	Carter	R	05-Jun-77	05-Jun-77
10	Thomas	Beck	L	08-Jan-78	08-Jan-78
11	Horace	Crum	L	12-Jan-78	12-Jan-78
12	John	Zerance	L	15-Jan-78	15-Jan-78
13	Rich	Webber	R	15-Jan-78	15-Jan-78
14	Vincent	Bennett	R	19-Jan-78	19-Jan-78
15	Robert	Sanderson	L	19-Jan-78	19-Jan-78
16	Willie	Hendrickes	R	28-Mar-78	28-Mar-78
17	Patrick	Dinunzio	R	01-Apr-78	01-Apr-78
18	Robert	Carolina	R	09-Apr-78	09-Apr-78
19	Leonard	Radle	R	24-Apr-78	24-Apr-78
20	Robert	Graham	R	29-Apr-78	29-Apr-78
21	Roscoe	Lesh	R	30-Apr-78	30-Apr-78
22	Glenn	Gauker	R	03-May-78	03-May-78
23	Kenneth	Wheeler	R	04-May-78	04-May-78
24	Keith	Richard	L	27-May-78	27-May-78
25	Harold	Radle	L	19-Jun-78	19-Jun-78
26	Donald	Wilt	R	24-Jun-78	24-Jun-78
27	John	Roth	R	08-Jul-78	08-Jul-78
28	John	Metzger	L	19-Jul-78	19-Jul-78
29	Vance	Goodall	R	09-Oct-78	09-Oct-78
30	Randy	Fields	L	09-Dec-78	09-Dec-78
31	Frank	Reasner	L	21-Feb-79	21-Feb-79
32	John	Hoke	L	21-Feb-79	21-Feb-79
33	Bradley	Lindsay	L	10-Mar-79	10-Mar-79
34	Bruce	Raker	R	10-Mar-79	10-Mar-79
35	William	Conklin	R	11-Mar-79	11-Mar-79
36	Dwight	Shaver	L	13-Mar-79	13-Mar-79
37	Ronald	Cigic	L	18-Mar-79	18-Mar-79
38	T. Lee	Boyer	R	18-Mar-79	18-Mar-79
39	Dale	Searer	R	17-Apr-79	17-Apr-79
40	Ronald	Peffer	R	03-May-79	03-May-79
41	Joseph	Hawkins	R	14-Jun-79	14-Jun-79
42	Bernard	Nail	L	23-Jul-79	23-Jul-79
43	William	Daum	L	28-Jul-79	28-Jul-79

26

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
44	Myles	Meredith	R	11-Aug-79	11-Aug-79
45	Eugene	Keith	L	11-Aug-79	11-Aug-79
46	Russell	Keys	R	18-Aug-79	18-Aug-79
47	Robert	Bender	R	25-Sep-79	25-Sep-79
48	Harold	Carey	R	06-Oct-79	06-Oct-79
49	Clifford	Montgomery	R	11-Oct-79	11-Oct-79
50	Curt	Sheffield	L	18-Oct-79	18-Oct-79
51	Gerald	Marshall	L	19-Oct-79	19-Oct-79
52	Kenneth	Mallette	L	09-Feb-80	09-Feb-80
53	Robert	Adams	L	10-Feb-80	10-Feb-80
54	Barry	Grumbine	R	10-Feb-80	10-Feb-80
55	Robert	Flick	R	22-Feb-80	22-Feb-80
56	Andrew	Koppenhaver	L	25-Sep-80	25-Sep-80
57	Terry	Stiely	L	25-Oct-80	25-Oct-80
58	Marlin	Heim	L	08-Nov-80	08-Nov-80
59	Dale	Lucas	L	01-Aug-81	01-Aug-81
60	Harold	Anderson	R	16-Aug-81	16-Aug-81
61	Thomas	Alderson	R	27-Aug-81	27-Aug-81
62	Michael	Carey	R	09-Sep-81	09-Sep-81
63	Michael	Rusnak	L	09-Sep-81	09-Sep-81
64	Darwin	Lahr	L	09-Sep-81	09-Sep-81
65	Andrew	Ney	L	05-Apr-82	05-Apr-82
66	Steven	Klouser	L	05-Apr-82	05-Apr-82
67	Jacob	Richcreek	L	08-Apr-82	08-Apr-82
68	Jesse	Farling	L	08-Apr-82	08-Apr-82
69	Gary	Wise	R	06-May-82	06-May-82
70	Thomas	Fembaugh	R	19-Jun-82	19-Jun-82
71	Robert	Krout	L	01-Jul-82	01-Jul-82
72	Jerry	Zimmerman	L	25-Aug-82	25-Aug-82
73	Robert	Buffington	L	01-Sep-82	01-Sep-82
74	Ronald	Johnson	R	02-Sep-82	02-Sep-82
75	Fred	Porr	R	02-Oct-82	02-Oct-82
76	Patrick	Kelley	L	06-Oct-82	06-Oct-82
77	Ralph	Wolfe	L	07-Oct-82	07-Oct-82
78	Joseph	Riley	R	27-Nov-82	27-Nov-82
79	Kenneth	Smeltz	L	03-Dec-82	03-Dec-82
80	John	Straub	L	18-Dec-82	18-Dec-82
81	Conrad	Ocker	L	18-Dec-82	18-Dec-82
82	Jay	Miller	L	10-Sep-83	10-Sep-83
83	Steve	Scott	L	26-Sep-83	26-Sep-83
84	Joseph	Erbel	L	08-Oct-83	08-Oct-83
85	George	Weigle	L	08-Oct-83	08-Oct-83
86	Marlin	Duncan	R	26-Jan-84	26-Jan-84
87	Rusty	Campbell	R	02-Apr-84	02-Apr-84
88	Robert	Ritter	L	02-Apr-84	02-Apr-84
89	Charles	Erdman	R	02-Apr-84	02-Apr-84

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
90	Kevin	Baumert	R	02-Apr-84	02-Apr-84
91	Jerry	Ash	L	02-Apr-84	02-Apr-84
92	Keith	Zimmerman	L	02-Apr-84	02-Apr-84
93	Lester	Renard	L	02-Apr-84	02-Apr-84
94	Dwight	Snyder	R	02-Apr-84	02-Apr-84
95	Ronald	Poff	L	04-Apr-84	04-Apr-84
96	Gerald	Stemple	R	06-Apr-84	06-Apr-84
97	John	Rishel	R	06-Apr-84	06-Apr-84
98	Jeffrey	Coble	R	06-Apr-84	06-Apr-84
99	Joseph	Orlando	R	09-Apr-84	09-Apr-84
100	Barry	Fetter	R	11-Apr-84	11-Apr-84
101	Robert	Husler	L	12-Apr-84	12-Apr-84
102	Roger	Rowe	R	13-Apr-84	13-Apr-84
103	Eugene	Mummert	R	16-Apr-84	16-Apr-84
104	Lyle	Bowen	R	16-Apr-84	16-Apr-84
105	William	Bernheisel	R	28-Apr-84	28-Apr-84
106	Lee	Beard	R	04-May-84	04-May-84
107	David	Nelson	L	18-May-84	18-May-84
108	Laveme	Musser	L	23-May-84	23-May-84
109	Robert	Hickman	R	05-Jun-84	05-Jun-84
110	Gale	Hess	R	05-Jun-84	05-Jun-84
111	Jack	Forry	R	15-Jun-84	15-Jun-84
112	Lawrence	Price	R	01-Jul-84	01-Jul-84
113	Ronald	Kemberling	R	02-Jul-84	02-Jul-84
114	Harold	Kauffman	R	02-Jul-84	02-Jul-84
115	Dennis	Mika	R	14-Jul-84	14-Jul-84
116	Richard	Ney	L	18-Jul-84	18-Jul-84
117	Lloyd	Morgan	L	18-Jul-84	18-Jul-84
118	Jeffrey	Straub	L	19-Jul-84	18-Jul-84
119	James	Stoltzfus	R	21-Jul-84	21-Jul-84
120	James	Colna	R	22-Jul-84	22-Jul-84
121	Harold	Snyder	R	28-Jul-84	28-Jul-84
122	Vincent	Warford	R	28-Jul-84	28-Jul-84
123	Gary	Smith	R	30-Jul-84	30-Jul-84
124	Danny	Jernigan	R	07-Aug-84	07-Aug-84
125	Robert	Reynolds	L	08-Aug-84	08-Aug-84
126	Randy	Dyarman	L	09-Aug-84	09-Aug-84
127	Robert	Yantz	R	11-Aug-84	11-Aug-84
128	Mark	Turns	R	15-Aug-84	15-Aug-84
129	Thomas	Lomison	L	17-Aug-84	17-Aug-84
130	James	Oxenrider	L	18-Aug-84	18-Aug-84
131	Lynn	Bream	L	08-Sep-84	08-Sep-84
132	J. Thomas	Sewalk Jr	R	18-Sep-84	18-Sep-84
133	Gregory	Weber	L	20-Sep-84	20-Sep-84
134	Rodney	Kreider	L	21-Sep-84	21-Sep-84
135	Carl	Edmiston	L	03-Oct-84	03-Oct-84



S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
136	Gerald	Held	L	31-Oct-84	31-Oct-84
137	Earl	Gates	L	07-Nov-84	07-Nov-84
138	Thomas	Reeder	L	13-Nov-84	13-Nov-84
139	Edwin	Barsis Jr	R	25-Jan-85	25-Jan-85
140	Donald	Sommer	R	12-Feb-85	12-Feb-85
141	Steve	Powell	L	12-Feb-85	12-Feb-85
142	John	Nelson	L	16-Feb-85	16-Feb-85
143	Charles	Forbes	R	23-Feb-85	23-Feb-85
144	Carmen	Smith	R	01-Apr-85	01-Apr-85
145	Kenneth	Snyder	R	01-Apr-85	01-Apr-85
146	Edward	Wertz	R	01-Apr-85	01-Apr-85
147	Donald	Hivner	L	07-May-85	07-May-85
148	Steven	Ney	R	07-May-85	07-May-85
149	Cleon	Detweiler	L	14-May-85	14-May-85
150	Burton	Rudy	L	28-May-85	28-May-85
151	Edwin	Roberts	R	20-Jul-85	20-Jul-85
152	Vernon	Osgood	R	26-Jul-85	26-Jul-85
153	John	Scheaffer	R	05-Aug-85	05-Aug-85
154	Mahlon	Warfel	R	08-Aug-85	08-Aug-85
155	Richard	Dechert	R	24-Aug-85	24-Aug-85
156	Darrell	Zerbe	L	04-Sep-85	04-Sep-85
157	Donald	Blumenschein	L	08-Sep-85	08-Sep-85
158	George	Stokes	R	11-Sep-85	11-Sep-85
159	Norman	Munson	L	19-Sep-85	19-Sep-85
160	Dale	Lander	L	06-Oct-85	06-Oct-85
161	David	Parthemore	R	25-Oct-85	25-Oct-85
162	Michael	Hempt	L	18-Nov-85	18-Nov-85
163	Dennis	Wilson	L	15-Dec-85	15-Dec-85
164	Bernard	Ranker	R	17-Jan-86	17-Jan-86
165	Robert F.	Miller	R	21-Jan-86	21-Jan-86
166	Paul	New-Day	R	24-Jan-86	24-Jan-86
167	Joseph	Cerisano	R	25-Jan-86	25-Jan-86
168	Carl	Clark	R	25-Jan-86	25-Jan-86
169	David	Burton	L	25-Jan-86	25-Jan-86
170	Richard	Hitzler	R	25-Jan-86	25-Jan-86
171	David	Giltz	R	27-Jan-86	27-Jan-86
172	William	Smith	L	29-Jan-86	29-Jan-86
173	Terry	Drawbaugh	L	30-Jan-86	30-Jan-86
174	Michael	Bender	L	02-Feb-86	02-Feb-86
175	William	Thompson	R	03-Feb-86	03-Feb-86
176	Mark	Parquette	L	04-Feb-86	04-Feb-86
177	William	Seckman	R	06-Feb-86	06-Feb-86
178	Larry	Johnson	R	08-Feb-86	08-Feb-86
179	Glen	Pogue	L	28-Feb-86	28-Feb-86
180	John	Deslaurier	L	10-Mar-86	10-Mar-86
181	Harry	Lockley	R	10-Mar-86	10-Mar-86

29



S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
182	Michael	Hoffman	L	11-Mar-86	11-Mar-86
183	Harry	McGuire	L	11-Mar-86	11-Mar-86
184	Robert	Schrum	L	12-Mar-86	12-Mar-86
185	Ken	Mullen	L	13-Mar-86	13-Mar-86
186	Jeffrey	Schaeffer	R	14-Mar-86	14-Mar-86
187	Thomas	Blatt	R	14-Mar-86	14-Mar-86
188	Flint	Mahanes	R	14-Mar-86	14-Mar-86
189	Nelson	Alleman	R	14-Mar-86	14-Mar-86
190	Jack	Matthews	R	14-Mar-86	14-Mar-86
191	Norman	Anderson	L	14-Mar-86	14-Mar-86
192	Mark	Hassinger	L	19-Mar-86	19-Mar-86
193	Steve	Heckman	L	19-Mar-86	19-Mar-86
194	Steve	Silcox	L	19-Mar-86	19-Mar-86
195	Merle	Wert	R	20-Mar-86	20-Mar-86
196	Robert	Shaffer	R	23-Mar-86	22-Mar-86
197	Harry	Baker	L	02-Apr-86	02-Apr-86
198	Harold	Raley	R	05-Apr-86	05-Apr-86
199	David	Motter	L	05-Apr-86	05-Apr-86
200	John	Miller	L	08-Apr-86	08-Apr-86
201	Dennis	Meyers	L	08-Apr-86	08-Apr-86
202	Charles	Fye	L	26-Apr-86	26-Apr-86
203	James	Stafford	R	04-Jul-86	04-Jul-86
204	Paxton	Clark	R	14-Jul-86	14-Jul-86
205	James	Testerman	R	26-Jul-86	26-Jul-86
206	James	Keatts	R	26-Jul-86	26-Jul-86
207	Alden	Sours	R	16-Aug-86	16-Aug-86
208	Edward	Lawrence	R	23-Aug-86	23-Aug-86
209	Jim	Cox	R	06-Sep-86	06-Sep-86
210	Dale	McCormick	L	16-Sep-86	16-Sep-86
211	Angelo	Mraz	L	23-Sep-86	23-Sep-86
212	Charles	Bowers	L	30-Sep-86	30-Sep-86
213	Clint	Troutman	L	20-Oct-86	20-Oct-86
214	Robert	Huff	L	20-Oct-86	20-Oct-86
215	Richard	Uhrin	L	20-Oct-86	20-Oct-86
216	Robert	Martin	L	27-Oct-86	27-Oct-86
217	Tom	Kough	L	18-Nov-86	18-Nov-86
218	Glen	Hershey	R	25-Nov-86	25-Nov-86
219	Michael	Osborne	R	02-Apr-87	02-Apr-87
220	Ivan Max	Helman	R	02-Apr-87	02-Apr-87
221	John	Knadig	R	02-Apr-87	02-Apr-87
222	Ronald	Bingaman	R	02-Apr-87	02-Apr-87
223	Warren	Batdorf	R	02-Apr-87	02-Apr-87
224	Ronald	Morgan	R	02-Apr-87	02-Apr-87
225	Paul	Sprankle	R	21-Apr-87	21-Apr-87
226	Ron	Hicks	R	25-Apr-87	25-Apr-87
227	John	Dobies	R	01-May-87	01-May-87

30

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
228	Harold	Hamilton	L	04-May-87	04-May-87
229	Scott	Griffith	R	29-May-87	29-May-87
230	Albert	Minnich	R	05-Jun-87	05-Jun-87
231	James	Salisbury	R	20-Jul-87	20-Jul-87
232	Earl	Deshong	R	21-Jul-87	21-Jul-87
233	David	Davis	R	21-Jul-87	21-Jul-87
234	Erwin	Demko	R	21-Jul-87	21-Jul-87
235	Charles	Moser	R	10-Aug-87	10-Aug-87
236	Michael	Davis	R	15-Aug-87	15-Aug-87
237	Duane	Stahl	L	09-Sep-87	09-Sep-87
238	Amos	Stoneberger	R	09-Sep-87	09-Sep-87
239	Eugene	Carnes	R	06-Oct-87	06-Oct-87
240	Robert	Knott	L	09-Oct-87	09-Oct-87
241	Robert	Baetz	R	30-Oct-87	30-Oct-87
242	Daniel	Crusey	L	02-Nov-87	02-Nov-87
243	Buddy	Redden	L	02-Nov-87	02-Nov-87
244	Blaine	Grove	R	05-Nov-87	05-Nov-87
245	Charles	Vaughn	L	16-Nov-87	16-Nov-87
246	Walter	Dennis	L	16-Nov-87	16-Nov-87
247	Linus	Swegar	R	29-Nov-87	29-Nov-87
248	Daniel	Hurrell	R	05-Jan-88	05-Jan-88
249	Mark	Stevens	L	07-Feb-88	07-Feb-88
250	Earl L. Jr.	Bigler	L	09-Feb-88	09-Feb-88
251	Brian	Swope	L	09-Feb-88	09-Feb-88
252	William	Leopold	R	09-Mar-88	09-Mar-88
253	Richard	Albertini	R	11-Mar-88	11-Mar-88
254	Amos	Seiders	L	11-Mar-88	11-Mar-88
255	Ronald	Knaub	R	23-Mar-88	23-Mar-88
256	Ronney	Conrad	R	26-Mar-88	26-Mar-88
257	John	Paduhovich	L	26-Mar-88	26-Mar-88
258	David	Reinard	R	26-Mar-88	26-Mar-88
259	Gregory	Miracle	R	03-Apr-88	03-Apr-88
260	Robert D.	Miller	L	05-Apr-88	05-Apr-88
261	Bernard	Beese	L	07-Apr-88	07-Apr-88
262	Tom	West	L	11-Apr-88	11-Apr-88
263	Timothy H.	Strupp	R	12-Apr-88	12-Apr-88
264	David	Newell	L	16-Apr-88	16-Apr-88
265	John A.	Winner	R	16-Apr-88	16-Apr-88
266	Douglas A.	Goodine	R	16-Apr-88	16-Apr-88
267	Michael	Startzman	R	16-Apr-88	16-Apr-88
268	Wayne	Burkett	R	16-Apr-88	16-Apr-88
269	Charles	Peterman	L	30-Apr-88	30-Apr-88
270	James	High	R	30-Apr-88	30-Apr-88
271	Jay	Dyarman	L	30-Apr-88	30-Apr-88
272	Edward	Spears	R	06-May-88	06-May-88
273	Brett	Rininger	L	07-May-88	07-May-88

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
274	Roderick	Percival	R	21-May-88	21-May-88
275	Michael	Lentvorsky	L	21-May-88	21-May-88
276	Terry J.	Robinson	R	18-Jun-88	18-Jun-88
277	David	Crum	R	18-Jun-88	18-Jun-88
278	Robbie C.	Parker	L	18-Jun-88	18-Jun-88
279	Randy	Geistwite	L	21-Jun-88	21-Jun-88
280	John	Beaston	R	21-Jun-88	21-Jun-88
281	Craig	Vogelsong	L	21-Jun-88	21-Jun-88
282	Jonas	Smith	L	21-Jun-88	21-Jun-88
283	David	Swoyer	L	21-Jun-88	21-Jun-88
284	Rod S.	Garman	R	21-Jun-88	21-Jun-88
285	Dale	Cruz	L	21-Jun-88	21-Jun-88
286	Jeffrey	Funck	L	23-Jun-88	23-Jun-88
287	John	Stager	L	23-Jun-88	23-Jun-88
288	David S.	Bond	L	23-Jun-88	23-Jun-88
289	Harold	Hostetter	R	23-Jun-88	23-Jun-88
290	Richard	Paxson	L	28-Jun-88	28-Jun-88
291	Donald J.	Ponatoski	R	28-Jun-88	28-Jun-88
292	Michael	Sullivan	L	19-Jul-88	19-Jul-88
293	Robert	McGugin	L	03-Aug-88	03-Aug-88
294	Thomas R.	Grundon	R	04-Aug-88	04-Aug-88
295	Larry	McLaughlin	R	05-Aug-88	05-Aug-88
296	Scott E.	Bowman	L	08-Aug-88	08-Aug-88
297	Christopher J.	Wilkerson	L	09-Aug-88	09-Aug-88
298	John M.	Ivanoff	L	09-Aug-88	09-Aug-88
299	Gary W.	Martin	R	09-Aug-88	10-Aug-88
300	Leroy	Charles	R	12-Aug-88	12-Aug-88
301	Terry L.	Heckman	L	14-Aug-88	14-Aug-88
302	Don F.	Walker	R	18-Aug-88	18-Aug-88
303	James V.	Miller	R	18-Aug-88	18-Aug-88
304	Delmas R.	Covert	L	22-Aug-88	22-Aug-88
305	James	Kneasel	R	29-Aug-88	29-Aug-88
306	Roger	Bouder	L	02-Sep-88	02-Sep-88
307	Barry L.	Bupp	L	12-Sep-88	12-Sep-88
308	Morris	Brooks	L	13-Sep-88	13-Sep-88
309	Jeffrey A.	McCauslin	L	19-Sep-88	19-Sep-88
310	Dave	Snyder	L	21-Sep-88	21-Sep-88
311	Girard	Deibler	L	21-Sep-88	21-Sep-88
312	Dorman L.	Godlove	R	23-Sep-88	23-Sep-88
313	James	Robinson	L	24-Sep-88	24-Sep-88
314	Frank	Nissel	L	02-Oct-88	02-Oct-88
315	Emerson	Morrison	L	04-Oct-88	04-Oct-88
316	Roy D.	Hicks	R	16-Oct-88	19-Feb-78
317	Jeffrey A.	Nickle	R	23-Oct-88	12-Jun-87
318	James B.	Choffel	L	25-Oct-88	25-Oct-88
319	Kent	Williard	L	25-Oct-88	25-Oct-88

S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
320	Daniel J.	Maurer	L	08-Nov-88	08-Nov-88
321	Charles M.	Edmiston	R	29-Nov-88	29-Nov-88
322	Steven	Koncar	L	13-Dec-88	13-Dec-88
323	Robert L. Jr.	Browell	L	26-Dec-88	26-Dec-88
324	Ross E.	Schell	L	26-Dec-88	26-Dec-88
325	Gary L.	Myers	R	03-Jan-89	03-Jan-89
326	Edward R. Jr	Glosek	L	10-Jan-89	10-Jan-89
327	Walter	Brooks	R	16-Jan-89	16-Jan-89
328	John	Fortna	L	03-Feb-89	03-Feb-89
329	James	Baker	R	19-Feb-89	19-Feb-89
330	Kendall	Pierson	R	19-Feb-89	19-Feb-89
331	James	Moody	R	19-Feb-89	19-Feb-89
332	James	Thornton	R	19-Feb-89	19-Feb-89
333	Warren	Cyrus	R	19-Feb-89	19-Feb-89
334	Harold	Cole	R	19-Feb-89	19-Feb-89
335	Nathaniel	Herbert	R	19-Feb-89	19-Feb-89
336	Frederick	Sipe	R	19-Feb-89	19-Feb-89
337	Todd	Stiely	L	24-Feb-89	24-Feb-89
338	Mike	Hahn	L	24-Feb-89	24-Feb-89
339	Richard	Miller	R	25-Feb-89	25-Feb-89
340	Raymond	Aleman	L	05-Mar-89	05-Mar-89
341	Allen	Lucas	L	02-Apr-89	02-Apr-89
342	Roy	Camasta	L	02-Apr-89	02-Apr-89
343	Dave	Kissinger	L	02-Apr-89	02-Apr-89
344	Dave	Reckner	L	02-Apr-89	02-Apr-89
345	Chester	Lerch	L	02-Apr-89	02-Apr-89
346	John	Barbee	R	03-Apr-89	03-Apr-89
347	Paul	Lamantia	R	03-Apr-89	03-Apr-89
348	Grady	Patterson	R	03-Apr-89	03-Apr-89
349	Robert	Mallon	R	03-Apr-89	03-Apr-89
350	William	Hyland	R	04-Apr-89	04-Apr-89
351	Richard	Bibb	R	05-Apr-89	05-Apr-89
352	Peter	Boele	R	31-Jul-89	31-Jul-89
353	Jack C.	Leach	L	03-Dec-89	03-Dec-89
354	Mike	Miller	L	03-Dec-89	03-Dec-89
355	Ray	Hammaker	L	03-Dec-89	03-Dec-89
356	Mark	Wilt	L	05-Dec-89	05-Dec-89
357	Chris	Fortenbaugh	L	11-Dec-89	11-Dec-89
358	Jeffrey K.	Pechart	L	13-Dec-89	13-Dec-89
359	Robert A.	Johnson	L	17-Dec-89	17-Dec-89
360	Thomas P.	Warcholak	L	17-Dec-89	17-Dec-89
361	James G.	Matolyak	L	07-Jan-90	07-Jan-90
362	Charles R.	McDermott	L	07-Jan-90	07-Jan-90
363	Ronald D.	Wilde	L	21-Jan-90	21-Jan-90
364	James	Hunter	R	03-Feb-90	03-Feb-90
365	Frank	Weiser	L	03-Feb-90	03-Feb-90



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366	Ronald	Fitch	R	04-Feb-90	04-Feb-90
367	Ralph A.	Lovem	R	09-Feb-90	09-Feb-90
368	Eric C.	Simmons	L	18-Feb-90	18-Feb-90
369	John	Roney	R	20-Feb-90	20-Feb-90
370	Samuel S.	Reider	R	24-Feb-90	24-Feb-90
371	Michael T.	Rosini	L	24-Feb-90	24-Feb-90
372	Richard	Quigley	L	25-Feb-90	25-Feb-90
373	James	Fanning	R	03-Mar-90	03-Mar-90
374	Philip	Bollman	R	17-Mar-90	17-Mar-90
375	Charles	Copeland	R	18-Mar-90	18-Mar-90
376	Bob	Haller	L	01-Apr-90	01-Apr-90
377	Robert	Laubenstein	L	01-Apr-90	01-Apr-90
378	Marc	Abrahams	L	02-Apr-90	02-Apr-90
379	Vincent	Johnson	L	03-Apr-90	03-Apr-90
380	Carl	Ford	R	04-Apr-90	04-Apr-90
381	Carl	Boltz	R	13-Apr-90	13-Apr-90
382	Mark	Keiter	L	24-Apr-90	24-Apr-90
383	Barry	Murphy	L	29-Apr-90	29-Apr-90
384	Eugene	Kennedy	L	29-Apr-90	29-Apr-90
385	Larry	Snyder	L	01-May-90	01-May-90
386	Terry	Gramm	L	01-May-90	01-May-90
387	Joseph	Yontz	R	01-May-90	01-May-90
388	Vern	Vandevender	L	01-May-90	01-May-90
389	John	Purdue	R	01-May-90	01-May-90
390	Donald	Markle	L	01-May-90	01-May-90
391	William	Savage	L	01-May-90	01-May-90
392	George	Poleshock	L	01-May-90	01-May-90
393	James	Carpenter	L	08-May-90	08-May-90
394	Darryl	Tait	L	08-May-90	08-May-90
395	Ray	Diehl	R	08-May-90	08-May-90
396	Nick	Chennault	R	12-May-90	12-May-90
397	Roy	Hess	L	12-May-90	12-May-90
398	Peter	Kovaschetz	R	17-May-90	17-May-90
399	Berlin	Hutson	R	22-May-90	22-May-90
400	Al	Rhodes	R	02-Jun-90	02-Jun-90
401	Robert	Harbaugh	R	04-Jun-90	04-Jun-90
402	Dan	Jones	R	22-Jun-90	22-Jun-90
403	Gerald	Fogelsanger	R	26-Jun-90	26-Jun-90
404	Kenneth	Springfield	L	26-Jun-90	26-Jun-90
405	Blaine	Morrison	L	26-Jun-90	26-Jun-90
406	Frank	Dozier	L	04-Jul-90	04-Jul-90
407	Charles	Goers	R	11-Jul-90	11-Jul-90
408	Harry	Hoover	R	06-Aug-90	06-Aug-90
409	Donald	Huss	L	14-Aug-90	14-Aug-90
410	Randy	May	L	14-Aug-90	14-Aug-90
411	Donald	Wert	R	20-Aug-90	20-Aug-90

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412	John	McKeehan	R	20-Aug-90	20-Aug-90
413	Larry	Greenawalt	R	20-Aug-90	20-Aug-90
414	Cecil	Tolley	R	20-Aug-90	20-Aug-90
415	Danny	Edwards	R	20-Aug-90	20-Aug-90
416	Roland	Williams	L	21-Aug-90	21-Aug-90
417	Stephen	Michael	L	21-Aug-90	21-Aug-90
418	Carl	Shippey	L	21-Aug-90	21-Aug-90
419	Bryan	Jarrett	L	21-Aug-90	21-Aug-90
420	Clinton	Bishop	L	21-Aug-90	21-Aug-90
421	James	Wagner	L	27-Aug-90	27-Aug-90
422	Boyd	Welker	L	28-Aug-90	28-Aug-90
423	Maynard	Bertolet II	L	28-Aug-90	28-Aug-90
424	Garland	Mauck	R	29-Aug-90	29-Aug-90
425	Richard	Nagle	R	07-Sep-90	07-Sep-90
426	Michael	Bircher	L	07-Sep-90	07-Sep-90
427	Scott	Hahn	L	07-Sep-90	07-Sep-90
428	Gregory	Harris	L	18-Sep-90	18-Sep-90
429	Daniel	Straub	R	23-Sep-90	23-Sep-90
430	Paul	Force	L	23-Sep-90	23-Sep-90
431	Herman	Kinter	R	23-Sep-90	23-Sep-90
432	Garrett	Rager	R	29-Sep-90	29-Sep-90
433	Roy	Hicks Jr.	R	02-Oct-90	02-Oct-90
434	Ronald	Romanoski	L	07-Oct-90	07-Oct-90
435	Brian	Deibler	L	19-Oct-90	19-Oct-90
436	Steven	Sanders	L	19-Oct-90	19-Oct-90
437	Edward	Fekette	L	28-Oct-90	28-Oct-90
438	Dave	Fox	L	28-Oct-90	28-Oct-90
439	Doug	Kohr	L	28-Oct-90	28-Oct-90
440	Edward	Beard	L	02-Apr-91	02-Apr-91
441	Larry	Yohn	L	02-Apr-91	02-Apr-91
442	Richard	Hoffman	L	02-Apr-91	02-Apr-91
443	Walter T.	Lynch	L	02-Apr-91	02-Apr-91
444	Daniel	Linn	R	02-Apr-91	02-Apr-91
445	Robert	Burton	L	02-Apr-91	02-Apr-91
446	Roland	Ricker	L	02-Apr-91	02-Apr-91
447	James	Tracey	L	02-Apr-91	02-Apr-91
448	Ronald	Weaver	L	02-Apr-91	02-Apr-91
449	Charles	Burk	L	02-Apr-91	02-Apr-91
450	Gary	Wagaman	R	02-Apr-91	02-Apr-91
451	Gene	Creager	L	02-Apr-91	02-Apr-91
452	Michael	Burleson	L	02-Apr-91	02-Apr-91
453	Vito	Renno	L	07-Apr-91	07-Apr-91
454	Ted	Sechler	R	26-Jun-91	26-Jun-91
455	Jack	Worley	R	26-Jun-91	26-Jun-91
456	Paul	Whitfield	R	27-Jun-91	27-Jun-91
457	Harold	James	R	28-Jun-91	28-Jun-91

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458	Wayne	Gray	R	28-Jun-91	28-Jun-91
459	James	Stutzman	R	02-Jul-91	02-Jul-91
460	Orville	See, Jr	R	16-Aug-91	16-Aug-91
461	Jerell	Crowder	R	16-Aug-91	16-Aug-91
462	Richard	Lipps	R	16-Aug-91	16-Aug-91
463	John	Heitsenrether	R	16-Aug-91	16-Aug-91
464	Cloyd	Myers	R	30-Aug-91	30-Aug-91
465	Chester	Grove	R	30-Aug-91	30-Aug-91
466	A. G.	Rollman	R	30-Aug-91	30-Aug-91
467	Rickey	Baumert	L	08-Sep-91	08-Sep-91
468	Dave	Pogue	L	08-Sep-91	08-Sep-91
469	Jeff	Kost	L	08-Sep-91	09-Aug-91
470	Terry	Stamer Sr	R	21-Sep-91	21-Sep-91
471	Donald	Yost	R	21-Sep-91	21-Sep-91
472	Ronald	Patrick	L	27-Sep-91	27-Sep-91
473	Anthony	King	L	27-Sep-91	27-Sep-91
474	John	Pellman	L	27-Sep-91	27-Sep-91
475	Jari	Whitesel	L	27-Sep-91	27-Sep-91
476	John	Hafner	L	27-Sep-91	27-Sep-91
477	Brady	Carbaugh	L	27-Sep-91	27-Sep-91
478	Charles	Heimbaugh	L	27-Sep-91	27-Sep-91
479	David	Bowser	L	27-Sep-91	27-Sep-91
480	Michael	Ferry	R	03-Oct-91	03-Oct-91
481	Allen	Dixon	R	03-Oct-91	03-Oct-91
482	Glenn	Laverty	R	06-Oct-91	06-Oct-91
483	Chris	Martin	L	19-Apr-92	19-Apr-92
484	Robert	Clouser	L	24-Apr-92	24-Apr-92
485	Gerald	Wagaman	L	24-Apr-92	24-Apr-92
486	James	Clymer	L	24-Apr-92	24-Apr-92
487	Richard	Yost	R	24-Apr-92	24-Apr-92
488	Ronald	Fisher	L	24-Apr-92	24-Apr-92
489	Paul	Sharp	L	24-Apr-92	24-Apr-92
490	Bryan	Copenhaver	L	16-Jun-92	16-Jun-92
491	Daniel	Hammaker	R	28-Jul-92	28-Jul-92
492	Barry	Theurer	L	28-Jul-92	28-Jul-92
493	Donald	Izer	R	28-Jul-92	28-Jul-92
494	Jeffrey	Baker	L	28-Jul-92	28-Jul-92
495	Dennis	Darr	L	28-Jul-92	28-Jul-92
496	William	Cook	L	04-Aug-92	04-Aug-92
497	Roger	Mooney	L	11-Aug-92	11-Aug-92
498	James	Metzker	R	15-Aug-92	15-Aug-92
499	Edwin	Hoch	R	15-Aug-92	15-Aug-92
500	Edward	Jones	R	15-Aug-92	15-Aug-92
501	Douglas	Harshman	R	15-Aug-92	15-Aug-92
502	James	Goodyear	R	15-Aug-92	15-Aug-92
503	Jackie	Shanahan	R	16-Aug-92	16-Aug-92



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504	William	Gross	L	18-Aug-92	18-Aug-92
505	Robert	Kessler	L	28-Aug-92	28-Aug-92
506	Bryan	Miracle	L	01-Sep-92	01-Sep-92
507	Lee	Burgett	L	01-Sep-92	01-Sep-92
508	Larry	Smith	L	01-Sep-92	01-Sep-92
509	Charles	Tranum	R	11-Sep-92	12-Sep-92
510	Keith	Miller	L	13-Oct-92	13-Oct-92
511	Tom	Priar	L	13-Oct-92	13-Oct-92
512	Thomas	Apple	L	20-Oct-92	20-Oct-92
513	Brian	Stellar	R	20-Oct-92	20-Oct-92
514	Carl	Johnston	L	27-Oct-92	27-Oct-92
515	Daniel	Kilheffer	L	03-Nov-92	03-Nov-92
516	Kenley	House	L	26-Apr-93	26-Apr-93
517	Taft	Hoffman	L	18-Jun-93	18-Jun-93
518	Samuel	Reed	R	16-Jul-93	16-Jul-93
519	Blain	David	L	18-Jul-93	18-Jul-93
520	Quinn	McLaughlin	L	18-Jul-93	18-Jul-93
521	Jennifer	Squire	L	29-Jul-93	29-Jul-93
522	Wayne	Kline	L	14-Sep-93	14-Sep-93
523	Andrew	Kepner	L	19-Oct-93	19-Oct-93
524	Jamie	Martin	L	19-Oct-93	19-Oct-93
525	Jeff	Keller	R	20-Oct-93	20-Oct-93
526	Michael	Sewalk	L	20-Oct-93	20-Oct-93
527	Eric	Wise	L	02-Nov-93	02-Nov-93
528	Harry	Lingenfelter	L	02-Nov-93	02-Nov-93
529	Ronald	Klacik	L	02-Nov-93	02-Nov-93
530	Mark	Sayres	R	02-Nov-93	02-Nov-93
531	Eugene	Snyder	L	02-Nov-93	02-Nov-93
532	Daniel	Daisley	L	16-Nov-93	16-Nov-93
533	Robert	Allen	R	16-Nov-93	16-Nov-93
534	Joseph	Kenepp	L	16-Nov-93	16-Nov-93
535	Douglas	Hechler	L	16-Nov-93	16-Nov-93
536	Keith	Johnston	L	16-Nov-93	16-Nov-93
537	John	Garland	L	17-Dec-93	17-Dec-93
538	Sid	Secrist	L	19-Dec-93	19-Dec-93
539	Marlin	Ritter	L	20-Dec-93	20-Dec-93
540	Robert	Curran	R	06-Jan-94	23-Aug-93
541	Joseph	Gaiski	L	25-Jan-94	25-Jan-94
542	Robert	Bansemmer	R	01-Mar-94	01-Mar-94
543	Donald	Failor	R	01-Mar-94	01-Mar-94
544	Henry	Tomkosky	R	01-Mar-94	01-Mar-94
545	Donald	Wivell	R	01-Mar-94	01-Mar-94
546	George	Prates	L	22-Mar-94	22-Mar-94
547	Edward	Margraff	R	07-May-94	07-May-94
548	Thomas	Wright	R	07-May-94	07-May-94
549	Charles	Craig	R	07-May-94	07-May-94

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550	John	Lauver	R	07-May-94	07-May-94
551	Howlen	Pottorff, Sr.	R	07-May-94	07-May-94
552	Harvey	Hissner	R	10-May-94	10-May-94
553	Chester	Taylor	R	13-May-94	13-May-94
554	John	Eisley	L	20-May-94	20-May-94
555	John	Alleman III	R	26-May-94	26-May-94
556	Frederick	Payne	R	26-May-94	26-May-94
557	Edward	Waidley	R	26-May-94	26-May-94
558	Gerald	Jones	R	26-May-94	26-May-94
559	Jay	Crane	L	09-Jun-94	09-Jun-94
560	Paula	Klinger	R	22-Jun-94	22-Jun-94
561	Peter	Supsic	R	09-Jul-94	09-Jul-94
562	John	Drey	L	24-Jul-94	24-Jul-94
563	Westley	Lippy	L	24-Jul-94	24-Jul-94
564	Howard	Bullock	L	24-Jul-94	24-Jul-94
565	John	Estes	L	26-Jul-94	26-Jul-94
566	Cindy	Horvath	L	26-Jul-94	26-Jul-94
567	Thomas	Daugherty	R	30-Jul-94	30-Jul-94
568	Michelle	Neumeister	L	31-Jul-94	31-Jul-94
569	Gary	Whitfield	R	03-Aug-94	03-Aug-94
570	Sheldon	Pennington	R	14-Aug-94	14-Aug-94
571	Charles	Alleman	L	14-Aug-94	14-Aug-94
572	Gregory	Hartman	R	18-Aug-94	18-Aug-94
573	Dean	Shuman	L	23-Aug-94	23-Aug-94
574	Timothy	Wert	R	26-Aug-94	26-Aug-94
575	William	Blair	R	26-Aug-94	26-Aug-94
576	Robert	Reichert	R	02-Sep-94	02-Sep-94
577	Leroy	Negley	R	02-Sep-94	02-Sep-94
578	Daniel	Ocker	R	02-Sep-94	02-Sep-94
579	Al	Kruger	R	16-Sep-94	16-Sep-94
580	Robert	Conroy	R	16-Sep-94	16-Sep-94
581	Michael	Seabrooks	R	19-Sep-94	19-Sep-94
582	James	Ford	R	30-Sep-94	30-Sep-94
583	Daniel	Bowers	R	30-Sep-94	30-Sep-94
584	Richard	Stine	L	05-Oct-94	05-Oct-94
585	Douglas	Mengle	L	13-Oct-94	13-Oct-94
586	Travis	McCulloch	L	13-Oct-94	13-Oct-94
587	Michael	Hickey	L	14-Oct-94	14-Oct-94
588	John	Yarina	L	14-Oct-94	14-Oct-94
589	Ruben	Russell Jr	L	14-Oct-94	14-Oct-94
590	Colleen	Finn	L	14-Oct-94	14-Oct-94
591	Donald	Long	L	27-Oct-94	27-Oct-94
592	Brian	Gerber	L	27-Oct-94	27-Oct-94
593	Kenneth	Wynn	L	27-Oct-94	27-Oct-94
594	Stephen	Lucas	L	27-Oct-94	27-Oct-94
595	Ralph	Rehm	R	12-Nov-94	12-Nov-94

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596	Mark	Vallie	R	12-Nov-94	12-Nov-94
597	David	Magaro	R	18-Nov-94	18-Nov-94
598	Howard	Gouse	L	22-Nov-94	22-Nov-94
599	Dorman	Godlove, Jr.	R	27-Nov-94	27-Nov-94
600	Larry	Bechtel	L	20-Jan-95	20-Jan-95
601	Jo-Ann	Lauffer	L	21-Jan-95	21-Jan-95
602	George	Amsbaugh	L	09-Apr-95	09-Apr-95
603	Paul	Vandergrift	L	09-Apr-95	09-Apr-95
604	Ronald	Snowberger	L	09-Apr-95	09-Apr-95
605	Rex	Bragg	L	09-Apr-95	09-Apr-95
606	Robert	Yost Jr	L	09-Apr-95	09-Apr-95
607	Stephen	Gaiski Jr	L	09-Apr-95	09-Apr-95
608	William	Mielke	L	09-Apr-95	09-Apr-95
609	Paul	Hall	L	09-Apr-95	09-Apr-95
610	Irv	Nelson	L	09-Apr-95	09-Apr-95
611	Ronald	Frombaugh	R	12-Nov-98	27-Feb-72
612	Gary	Dietz	R	20-Nov-98	25-Aug-75
613	Larry	Trollinger	R	20-Nov-98	28-Jul-83
614	Michael	Fritz	R	21-Nov-98	22-May-84
615	Lawrence	Welker	R	27-Nov-98	20-Sep-73
616	Ray	Snyder	R	27-Nov-98	04-Sep-85
617	Vincent	Ramirez	R	27-Nov-98	24-May-86
618	Carl	Murphy	R	30-Nov-98	20-Apr-83
619	Keith	Sgrignoli	R	05-Dec-98	03-Apr-78
620	Douglas	Kerstetter	R	06-Dec-98	30-Oct-81
621	Ralph	Harris	L	07-Dec-98	09-Sep-84
622	Norman	Runk	R	11-Dec-98	24-Apr-84
623	Walter	Minich	R	13-Dec-98	07-Jul-75
624	Jeffrey	Albright	R	14-Dec-98	09-Apr-88
625	Roy	Keck	R	20-Dec-98	02-Mar-88
626	Norman	Boire	R	08-Jan-99	26-Aug-85
627	Allen	Landis	R	15-Jan-99	03-Nov-75
628	Charles	Albright	R	10-Feb-99	18-May-84
629	Raymond	Nevins	R	10-Feb-99	02-Nov-87
630	Lowell	McGuire	R	11-Feb-99	12-Feb-84
631	William	Erdman	R	11-Feb-99	09-Apr-90
632	Stanley	Nye	R	27-Feb-99	30-Oct-83
633	Roger	Wiles	R	27-Apr-99	27-Apr-99
634	Donald	Bixler	R	27-Apr-99	27-Apr-99
635	Phillip	Frazer	R	27-Apr-99	27-Apr-99
636	Ronald	Mangus	R	27-Apr-99	27-Apr-99
637	John	Bosley	R	27-Apr-99	27-Apr-99
638	Randall	Hartz	R	27-Apr-99	04-Mar-83
639	Roger	Hockensmith	L	21-May-99	21-May-99
640	James	Rutter	R	22-Jun-99	22-Jun-99
641	David	Albertson	R	22-Jun-99	22-Jun-99

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642	David	Jackson	R	23-Jun-99	23-Jun-99
643	Floyd C.	Smith	R	23-Jun-99	23-Jun-99
644	Carl	Shoup	R	23-Jun-99	23-Jun-99
645	George	Grubbs	R	23-Jun-99	23-Jun-99
646	Thomas	Myers	R	23-Jun-99	23-Jun-99
647	Terry	Irvin	R	29-Jul-99	29-Jul-99
648	Raymond	Hoover	R	29-Jul-99	29-Jul-99
649	Ronald	Conrad	R	29-Jul-99	29-Jul-99
650	Russell	Reinoehl	R	05-Aug-99	16-Nov-87
651	James	Downs	R	06-Aug-99	06-Aug-99
652	Stephen	McGinnis	R	06-Aug-99	06-Aug-99
653	Dennis	Robinson	R	06-Aug-99	06-Aug-99
654	Thurman	Lewis	R	06-Aug-99	06-Aug-99
655	William	Noel	R	06-Aug-99	06-Aug-99
656	Gordon	Kline	L	10-Aug-99	10-Aug-99
657	Nathan	Dravk	L	17-Aug-99	17-Aug-99
658	Scott	Fekette	L	17-Aug-99	17-Aug-99
659	Irvin	Snyder	R	18-Aug-99	18-Aug-99
660	Leo	Weller	R	18-Aug-99	18-Aug-99
661	Charles	Zufall	R	18-Aug-99	18-Aug-99
662	Duane	Grove	R	25-Aug-99	25-Aug-99
663	Keith	McKeever	R	31-Aug-99	31-Aug-99
664	Mikel	Sherbo	L	31-Aug-99	31-Aug-99
665	Spencer	Lomison	L	31-Aug-99	31-Aug-99
666	Howard	Leonti	L	31-Aug-99	31-Aug-99
667	Terry	Runshaw	L	31-Aug-99	31-Aug-99
668	Chalmer	Edgin	L	31-Aug-99	31-Aug-99
669	William	Bowen	L	31-Aug-99	31-Aug-99
670	Ronald	Decker	L	31-Aug-99	31-Aug-99
671	Curt	Mills	L	01-Sep-99	01-Sep-99
672	Douglas	Ebur	R	08-Sep-99	08-Sep-99
673	Roderick	Campbell	L	08-Sep-99	08-Sep-99
674	Mark J.	Anderson	L	14-Sep-99	14-Sep-99
675	Terry	Beaver	R	26-Sep-99	26-Sep-99
676	Troy E.	Snyder	L	28-Sep-99	28-Sep-99
677	Leon W.	Deihl	L	28-Sep-99	28-Sep-99
678	Gary	Kissinger	R	29-Sep-99	09-Aug-87
679	Richard	Vrabel	R	29-Sep-99	29-Sep-99
680	Michael G.	Hamman	L	05-Oct-99	05-Oct-99
681	Clifford	Jones	L	05-Oct-99	05-Oct-99
682	Timothy	Miess	R	07-Oct-99	07-Oct-99
683	Robert	Reichert, Jr.	R	27-Oct-99	27-Oct-99
684	Joel	Sharp	L	09-Nov-99	09-Nov-99
685	James	Crone	L	09-Nov-99	09-Nov-99
686	Robert	Mallette	R	16-Nov-99	16-Nov-99
687	Bengamin	Witmer	R	17-Nov-99	17-Nov-99



S/N	First Name	Last Name	Class	Ter Sen Date	Co Sen Date
688	Laramie	Cahoj	L	23-Nov-99	23-Nov-99
689	Rodney D.	Maus	L	23-Nov-99	23-Nov-99
690	Steven	Najdek	L	14-Dec-99	14-Dec-99
691	Keith	McPherson	L	14-Dec-99	14-Dec-99
692	Bradley	Miller	L	14-Dec-99	14-Dec-99
693	Eric	Costella	L	14-Dec-99	14-Dec-99
694	Larry	Shultz	R	29-Dec-99	29-Dec-99
695	Dallis	Laudenslager	R	14-Jan-00	14-Jan-00
696	Mark	Notbohm	R	14-Jan-00	14-Jan-00
697	Michael	Irvin	R	08-Feb-00	08-Feb-00
698	Charles	Lindeman	R	01-Mar-00	01-Mar-00
699	Bruce	Wiker	R	01-Mar-00	01-Mar-00
700	John	Moore	R	01-Mar-00	01-Mar-00
701	Cecil	Davis	R	03-Mar-00	03-Mar-00
702	Larry	Palmer	R	03-Mar-00	03-Mar-00
703	Bruce	Groff	R	07-Mar-00	07-Mar-00
704	Ronald	Reber	R	07-Mar-00	07-Mar-00
705	Robert	Chappel	R	07-Mar-00	07-Mar-00
706	Wayne	Tamkin	R	17-Mar-00	15-Mar-00
707	Randall	Whitehouse	R	25-Mar-00	25-Mar-00
708	Lonnie	Holtzapple	R	25-Mar-00	25-Mar-00
709	Duane	Taylor	R	28-Mar-00	28-Mar-00
710	Jack	Henry	R	28-Mar-00	28-Mar-00
711	Nathan	Kuhns	R	29-Mar-00	29-Mar-00
712	Michael	Pitzi	R	29-Mar-00	29-Mar-00
713	Glen	Roush	R	08-Apr-00	08-Apr-00
714	Dean	Sarver	L	14-Apr-00	14-Apr-00
715	Michael	Malosky	L	14-Apr-00	14-Apr-00
716	Stuart	Stough	R	21-Apr-00	21-Apr-00
717	Kenneth	Davenport	R	21-Apr-00	21-Apr-00
718	Edward	Kauffman	L	01-Jun-00	01-Jun-00
719	David	Varner	L	01-Jun-00	01-Jun-00
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PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

2552 JEFFERSON STREET, HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

May 24, 2000

Andy Upchurch  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, PA 17072

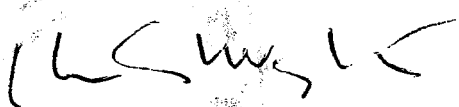
Ref: Grievance 94530 (Rickey Bechtel)

Dear Andy:

Enclosed is a copy of a letter received from Mr. Bechtel. As you can see, he is requesting an updated seniority list indicating hire date and classification. I would appreciate you providing me such as list as soon as possible.

Please contact me if you have any questions.

Sincerely,

  
Charles Shughart  
Business Agent

18

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

June 15, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530.

Dear Rickey:

Be advised, your above referenced grievance is scheduled to be presented at the Eastern Region Grievance Committee during the week of July 24<sup>th</sup> - 27<sup>th</sup>. You are welcome and invited to attend.

Whether or not you plan to attend the hearing, I must prepare a written brief to present to the grievance panel. Please contact me to schedule a date that you will be available to review your case and prepare a brief.

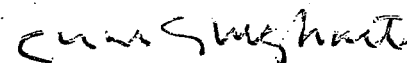
At this time, I'm available on the following dates:

June 21<sup>st</sup> - pm  
June 22<sup>nd</sup> - pm  
June 23<sup>rd</sup> - am  
June 27<sup>th</sup> - all day

Please advise me as soon as possible at 233-8766. If I'm not available, please leave a message.

Enclosed is a copy of the seniority list you requested. I still have not found what would normally be considered a layoff list, but I did find a list that was submitted to the IBT by Carolina to comply with the WARN Act. If it's what you're looking for, you are welcome to a copy.

Sincerely,



Charles Shughart  
Business Agent

18



PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
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SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. [REDACTED]  
DANIEL A. [REDACTED]

July 18, 2000


Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Enclosed is a copy of the brief for the above referenced grievance. I think all the revisions you requested have been accomplished. Please review it and advise me if it is correct or if additional changes are necessary. Since time is short, a prompt response would be appreciated. If I am not available, please leave a message with the office staff.

Sincerely,

  
Charles Shughart  
Business Agent

23  
**TEAMSTERS LOCAL 776**

**VS**

**Grievance 94530  
(Rickey A Bechtel)**

**ABF FREIGHT SYSTEMS**

Gentlemen of the Committee:

Grievance number 94530 reads as follows:

*I am filing this grievance due to the fact that I am a laid off ABF employee at Carlisle, PA (see attached letter marked Exhibit 1). It has come to my attention that ABF is hiring at the Carlisle, PA terminal and I am filing this because I have not been contacted for any available work opportunities. Under the National Master Freight Agreement that was in effect in 1995 when I was laid off, Article # 5, Section # 2 states that "If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall, such employees shall be "dovetailed" into the active seniority roster with their continuous classification (road or city) seniority dates they are currently exercising which shall then be exercised for all purposes".*

(Exhibit 1)

Note: The grievant amended the grievance at Company level grievance discussions on April 5, 2000 to include a claim for "all monies due" (Exhibit 2).

The grievant was a full-time dock / jockey employee with Carolina Freight at the Carlisle, Pennsylvania breakbulk terminal. His seniority date was February 1, 1986.

In May, 1995, Carolina Freight Carriers terminated their breakbulk operations at the Carlisle, Pennsylvania terminal. All remaining employees not previously laid-off were placed on layoff status (Exhibit 3).

On July 10, 1995, it was announced that ABF Freight Systems, Inc would acquire Carolina Freight Carriers and Red Arrow Freight Lines. On September 14 and 15, 1995, the issues concerning the change of operations were presented at a meeting held in Chicago. At the change of operations, Local 776 addressed concerns about the previously laid off employees at the Carolina terminal at Carlisle (Exhibit 4).

On December 29, 1998, the Fourth Circuit Court of Appeals issued its decision that Carolina employees be dovetailed with the ABF employees, not entailed and this should finally bring to an end this seniority dispute (Exhibit 5).

Mr. Bechtel has filed this grievance, claiming that ABF is violating the term of Article 5, Section 2 (c) (2) (of the 94 - 98 NMFA). That language reads as follows:

*In addition, the inactive seniority rosters (employees who are on letter of layoff) shall be similarly "dovetailed" by appropriate classification. If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall such employees shall be "dovetailed" into the active seniority roster with their continuous classification (road or city) seniority dates they are currently exercising which shall then be exercised for all purposes. Seniority rosters previously combining job classifications shall be continued unless otherwise agreed.*

Obviously, Mr. Bechtel was on a letter of layoff from Carolina Freight at the time the ABF merger / acquisition took place. When that occurred, it would seem that ABF assumed the debts, liabilities and contractual obligations previously held by Carolina Freight. One aspect of those contractual obligations is the recall rights of Carolina employees who were previously placed in layoff status by Carolina. As such, Mr. Bechtel should be entitled to recall rights under Article 5, Section 2.

Should there be any question that Mr. Bechtel was on layoff from ABF, the attached letter clearly indicates his layoff status (Exhibit 6). It reads in part:

*This letter is to confirm that you elected to decline the job offer and to remain in layoff status at Carlisle, PA*

Attached is a copy of a seniority list from the ABF terminal at Carlisle, Pennsylvania (Exhibit 7). As can be determined from the list, ABF has hired 108 employees who have a seniority date of November, 1998 or later. Approximately 31 of those individuals currently work in the dock / local classification.

In view of the clear and undisputable facts related to this grievance, we respectfully request that the Committee uphold the claim of the grievant, placing him on the seniority roster with a date of February 1, 1986. He should be compensated for lost wages and benefits from November 12, 1998.

Respectfully Submitted

Charles Shughart  
Business Agent

1

## NMFA GRIEVANCE — Teamsters Local 776

94530

Name Rickey A. Bechtel Home Phone 717-566-0606 Date of Hire 2-85  
 Address 2072 Locust Lane City Hummelstown State PA Zip 17036  
 Employer ABF  
 Employer's Address Carlisle  
 Road ☒ Dock ☒ Jockey ☒ City ☒ Iron and Steel ☐ Mechanic-Office ☐ Miscellaneous ☐  
 IMPORTANT: It is the responsibility of the member filing this grievance to issue the proper copies to all parties in a timely manner, as per your contract.  
 Date: Feb 20, 2000 8 59

NATURE OF GRIEVANCE: I am filing this grievance due to the fact that I am a laid-off ABF employee at Carlisle, Pa. (see attached letter marked exhibit #1). It has come to my attention that ABF is hiring at Carlisle, Pa terminal and I am filing this because I have not been contacted for any available work opportunities. Under the NMFA that was in effect in 1985 when I was laid off Article #5 section states that "If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall such employees shall be "dovetailed" into the active seniority roster with their continuous classification (Road or city) seniority dates they are currently exercising which shall then be

STEWARDS COMMENTS: ~~exercised~~ exercised for all purposes.

Attachments: 1 grievance, 1 exhibit letter, 1 letter requesting written decision from Local 776  
 In accordance with the Grievant's Bill of Rights, I am requesting, in writing, copies of all disciplinary letters, photos and any other documentation pertaining to this grievance.

Rickey A. Bechtel  
 Signature of Member Filing Grievance

[Signature]  
 Shop Steward

☒ YOU must check this box if you want to attend the grievance hearings. If you request to be in attendance, YOU WILL NOT be paid for this time.

ACTION TAKEN BY BUSINESS AGENT \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Business Agent \_\_\_\_\_

- 1—WHITE—UNION COPY  
 2—PINK—EMPLOYER  
 3—BLUE—EMPLOYEE REPORTING GRIEVANCE  
 4—YELLOW—STEWARDS

Exhibit (4D)

INSTRUCTIONS ON BACK OF YELLOW SHEET

2



PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

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JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

April 5, 2000

Andy Upchurch  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, PA 17072

Ref: Meeting of April 5, 2000

Dear Andy:

On April 5, 2000, a meeting was held at the Carlisle terminal to discuss grievances 94530 (R. Bechtel) and 94532 (Thomas Schildt). In attendance was David Quidort, both grievants you and me. The following was discussed:

The grievants are claiming recall rights from layoff under Article 5, Section 2 of the NMFA. Mr. Bechtel amended his grievance at the table to include compensation for lost earnings and benefits. The same request was not made by Mr. Schildt. It was the position of the Company that the timeliness of the grievances could be an issue. We were not able to determine the date of layoff for either grievant, but Mr. Schildt provided a pay stub, indicating that he was paid for work performed in the pay period ending 3/18/95. The parties will search for records that will clarify the dates of layoff. It was also the position of the Company that they had no obligation to recall Carolina employees who were in layoff status prior to the merger/purchase by ABF Freight Systems. The provisions of Article 5, Section 5 were discussed. No resolution was reached on either grievance.

The grievances remain pending and will be placed on the docket for the next ERJAGC, unless resolved prior to that date.

Sincerely,



Charles Shughart  
Business Agent

cc:  
Grievants

3

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



LEGAL DEPARTMENT

OFFICE: (202) 624-6945  
FAX: (202) 624-6884

March 27, 1995

Thomas Griffith, President  
Teamsters Local Union No. 776  
2552 Jefferson Street  
Harrisburg, Pennsylvania 17110

RE: Carolina Freight Carriers Corporation

Dear Mr. Griffith:

Enclosed you will find a Notice provided by Carolina Freight Carriers Corporation pursuant to the Workers Adjustment and Retraining Notification Act. Carolina Freight Carriers Corporation has developed tentative plans to permanently discontinue the Company's freight transportation operation at its facility located at One Carolina Drive, Carlisle, Pennsylvania 17013. Employment separations are expected to commence on or about May 21, 1995 affecting the entire Carlisle facility.

This letter is being forwarded to you so that you can monitor the employer's actions to assure that they are in compliance with the WARN Act. Please contact the undersigned if you have any questions with regard to the enclosed notice.

Sincerely,

Paula J. Cairra

PJC/mk

Enclosure

cc: Dennis Skelton, Director, Freight Division

Exhibit (3)

ABF  
25

## EASTERN REGION JOINT AREA COMMITTEE

Established in accordance with the terms and conditions of the National Master Freight Agreement and the CENT. PA Supplemental Agreement, entered into by and between the Local Union and carriers engaged in City Pickup and Delivery and/or Over-the-Road Freight Operations.

DOCKET NO. C-149-00

ABF# 042-040-MR-00

IN THE MATTER OF THE DISPUTE BETWEEN

TEAMSTERS LOCAL NO. 776  
HARRISBURG, PA

## SUBMISSION FORM

and

ABF FREIGHT SYSTEM, INC.

We, the undersigned, parties to the National Master Freight Agreement and the CENT. PA Supplemental Agreement, hereby agree to submit the dispute to arbitration under the Rules of Procedure prescribed by the Eastern Region Joint Area Committee, by virtue of its authority, as set forth in Article 43 and of the CENT. PA Supplemental Agreement, the following:

On behalf of Rickey Bechtel, Union alleges violation of Article 5; requesting grievant be returned to proper seniority with all lost wages, benefits.

The undersigned further agree that a majority decision of the Eastern Region Joint Area Committee in the above dispute will be final, conclusive and binding with no appeal and, further, that neither party will attempt through any overt acts, to void the decision rendered.

The undersigned also agree that failure to comply with the decision of a majority of the Committee within ten (10) days of the date of the decision will result in the loss of all contract rights, privileges and benefits due them under Article 43 of the CENT. PA Supplemental Agreement.

Date July 25, 2000

Employer ABF FREIGHT SYSTEM, INC.

Local Union 776

Signed by Steven J. Froias, Labor Rels.

Signed by Charles Shughart, B. A.

## DECISION

The Panel, in executive session, motion made, seconded and carried that this case is referred to the National Multi-Region Change of Operations Violations Committee. Cost split.

R. L. SCHAEFFER  
Employer Co-Secretary

NICHOLAS PICARELLO  
Union Co-Secretary

JULY 25, 2000  
Date

JULY 25, 2000  
Date

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

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THOMAS B. GRIFFITH  
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JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

September 26, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Please advise that your above referenced grievance will be presented at the Change of Operations Committee on October 26 / 27, 2000 at the Embassy Suites Deerfield Beach Resort, 950 Southeast 20<sup>th</sup> Avenue, Deerfield Beach, Florida, 33441.

You are welcome and invited to attend.

Sincerely,



Charles Shughart  
Business Agent

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
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THOMAS VINSON  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

November 8, 2000

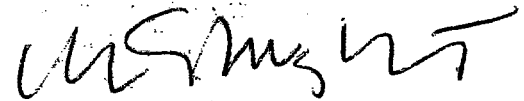
Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Your above referenced grievance was presented at the Change of Operations Committee on October 27, 2000. It was the decision of that Committee that your grievance be denied.

Sincerely,



Charles Shughart  
Business Agent

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
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MIKE HORD  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

December 28, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Grievance 94530

Dear Rickey:

In reply to your letter dated December 6, 2000, it is my understanding that the decision issued by the Change of Operations Committee is final. The grievance procedure does not provide for the appeal of a decision that is issued by a majority of the Committee members.

I have enclosed the papers presented by the Company at the hearing.

Please contact me if you have any questions.

Sincerely,



Charles Shughart  
Business Agent



ABF  
EMPLOYER BRIEF

MRC COMMITTEE  
CASE NO. ERJAC C-149-00  
ABF CASE NO. 042-040-MR-00  
LOCAL UNION 776 VS ABF (RICKEY BETCHEL)

The Union is claiming a violation of Article 5, Section 2 of the NMFA. They have not provided the Company with a date for this alleged violation.

I have attached a copy of the article in question. This article deals with "MERGERS OF COMPANIES-GENERAL". Specifically Section 2 © reads in part "IN THE APPLICATION OF THIS SECTION, WHEN TERMINALS OR OPERATIONS OF TWO OR MORE COMPANIES ARE COMBINED, AS REFERRED TO ABOVE, THE FOLLOWING GENERAL RULES SHALL BE APPLIED BY THE EMPLOYER AND LOCAL UNIONS".

In this case there was no merger of terminals in the Carlisle, PA area. Carolina had closed their terminal 5 months before the ABF, Carolina, Red Arrow, Change of Operations. This fact is not in dispute.

Attached is a copy of that Change decision (MR-CO-38-9/95). I would like to review Item #1A with the Committee. As you can see it is very specific about combining terminals and seniority lists affected by the Change. It further reads "EVERY FACILITY WHOSE WORK HAS BEEN MERGED WITH THE WORK OF ANOTHER FACILITY".

Also attached are copies of pages V and -2- of that Change. There is no reference to any Carolina facility in Carlisle, PA because none existed at the time of the Change.

On October 12, 1995 the Union sent the attached letter to all Carolina employees layed off when Carolina closed the Carlisle, PA terminal. This letter reviews the rights of these employees concerning the ABF, Carolina, Red Arrow Change decision. In the Change decision all employees from all three Companies were afforded Article 5, Section 5 rights, this included road,

city, mechanics and clerical employees. The former Carolina employees were not afforded Article 5, Section 2 rights.

There was no merger of terminals in Carlisle, PA, and Article 5, Section 2 has no application. We respectfully request the claim of the Union be denied.

## **ARTICLE 5.**

### **Section 1. Seniority Rights**

(a) The application of seniority which has been accrued herein shall be established in the Supplemental Agreements.

(b) Seniority shall be broken only by discharge, voluntary quit, retirement, or more than a five (5) - year layoff.

(c) This Section shall apply to all Supplemental Agreements.

### **Section 2. Mergers of Companies-General**

(a) In the event the Employer is a party to a merger of lines, seniority of the employees who are affected thereby shall be determined by mutual agreement between the Employer and the Local Unions involved.

In the application of this Section, it is immaterial whether the transaction is called a merger, purchase, acquisition, sale, etc. Further, it is also immaterial whether the transaction involves merely the purchase of stock of one (1) corporation by another, with two (2) separate corporations continuing in existence.

(b) If such merger of companies results in the combination of terminals or over-the-road operations, a change of operations shall be submitted to the Co-Chairmen of the National Grievance Committee for assignment to an appropriate Change of Operations Committee established pursuant to Article 8, Section 6. The Change of Operations Committee shall retain jurisdiction for one (1) year after the effective date of the Committee decision and shall have the authority to amend its decision in the event of a substantial change in the amount of work to be performed at the terminals or over-the-road operations which were combined.

### **Combining of Terminals or Operations as a Result of Merger of Companies**

(c) In the application of this Section, when terminals or operations of two (2) or more companies are combined, as referred to above, the following general rules shall be applied by the Employer and the Local Unions, which general rules are subject to modification pursuant to the provisions of Section 4 of this Article:

TITAN ELECTRONIC MAIL

E. 09/19/95  
 E. 15.37 EST  
 LCL/TERM-ID 373  
 M. LCL/TERM-ID TPI  
 . PRINCIPAL OFFICER  
 E 001 MSG NMBR 431

TPI1

# THE PRINCIPAL OFFICERS OF THE FOLLOWING LOCAL UNIONS:

7, 20, 24, 26, 40, 41, 43, 50, 75, 89, 92, 100, 116, 120, 135,  
 147, 160, 164, 200, 215, 236, 238, 245, 279, 299, 301, 325, 332,  
 339, 346, 364, 371, 377, 406, 407, 413, 414, 460, 534, 544, 554, 563,  
 574, 580, 600, 614, 627, 637, 651, 662, 673, 688, 695, 696, 697, 705,  
 710, 722, 749, 795, 823, 833, 908, 916, & 957 OF THE CENTRAL REGION

22, 25, 28, 29, 30, 42, 59, 61, 71, 107, 110, 118, 170, 171,  
 175, 182, 191, 229, 249, 251, 294, 312, 317, 340, 355, 375,  
 384, 391, 397, 401, 404, 429, 430, 437, 443, 445, 449, 470,  
 493, 500, 509, 529, 538, 557, 560, 592, 597, 633, 639, 649,  
 653, 671, 676, 677, 687, 693, 701, 707, 764, 771, 773, 776,  
 789, 822, & 992 OF THE EASTERN REGION

5, 79, 217, 270, 373, 385, 390, 402, 480, 512, 515, 519, 523,  
 528, 549, 568, 577, 612, 657, 667, 728, 745, 878, 886, 891,  
 920, 949, 988 & 991 OF THE SOUTHERN REGION

961 OF THE WESTERN REGION

ABF FREIGHT SYSTEM, INC. - MULTI-REGION CHANGE OF OPERATIONS  
 DECISION IN CASE NO. MR-CO-38-9/95

## SISTERS AND BROTHERS:

FOLLOWING IS THE DECISION RENDERED BY THE MULTI-REGION CHANGE OF  
 RATIONS COMMITTEE IN THE ABOVE REFERENCED CASE. UPON RECEIPT OF THIS  
 [SION PLEASE COPY AND DISTRIBUTE TO ALL ABF AND CAROLINA FREIGHT  
 < SITES FOR IMMEDIATE POSTING:

MULTI-REGION CHANGE OF OPERATIONS COMMITTEE ADOPTED A MOTION THAT  
 COMPANY'S PROPOSED CHANGE OF OPERATIONS BE APPROVED AS MODIFIED  
 CLARIFIED BY THE COMPANY ON THE RECORD WITH THE FOLLOWING PROVISOS:

THIS CHANGE OF OPERATIONS INVOLVES A TRANSACTION WITHIN THE  
 MEANING OF ARTICLE 5, SECTION 2(A)-(C) OF THE NMFA:

- A. THE COMMITTEE DIRECTS THAT, IN ACCORDANCE WITH THE PROVISIONS  
 OF ARTICLE 5, SECTION 2(A)-(C), ARTICLE 5, SECTION 3, AND  
 ARTICLE 8, SECTION 6(G) OF THE NMFA, THE SENIORITY LISTS AT  
 DOMICILES AND TERMINALS AFFECTED BY THIS CHANGE OF OPERATIONS  
 SHALL BE GROUPED FOR DOVETAILING AS REFLECTED ON THE EXHIBITS  
 CONTAINED IN THE PROPOSED CHANGE OF OPERATIONS, (AS CLARIFIED  
 OR CORRECTED ON THE RECORD), AND AS PROVIDED IN ARTICLE 5,  
 SECTION 2(C) OF THE NMFA. DOVETAILING APPLIES TO ALL  
 BARGAINING UNIT EMPLOYEES AFFECTED BY COMBINING OR ELIMINATING

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ABF AND CAROLINA FREIGHT CARRIERS/RED ARROW FACILITIES AND INCLUDES ALL MAINTENANCE AND OFFICE EMPLOYEES. EVERY FACILITY WHOSE WORK HAS BEEN MERGED WITH THE WORK OF ANOTHER FACILITY MUST BE GROUPED WITH THAT FACILITY. THIS PARAGRAPH DOES NOT APPLY TO LOCAL UNIONS 673, 705 AND 710 (DOCK AND OFFICE), WHICH ARE NOT SIGNATORY TO THE NMFA.

B. DOVETAILING SHALL BE ACTIVE TO ACTIVE, INACTIVE TO INACTIVE, BY CLASSIFICATION. THOSE EMPLOYEES WHO WERE ON LETTER OF LAYOFF (OR THE EQUIVALENT THEREOF UNDER THOSE SUPPLEMENTS WHERE LETTERS OF LAYOFF ARE NOT UTILIZED) ON AUGUST 11, 1995, SHALL BE CONSIDERED AS INACTIVE FOR THE PURPOSES OF THIS DECISION, EVEN IF THEY HAVE BEEN USED FOR TEMPORARY WORK OR RECALLED PRIOR TO THE EFFECTIVE DATE OF THE CHANGE OF OPERATIONS. ANY EMPLOYEES LAID OFF AFTER AUGUST 11, 1995, BUT BEFORE THE EFFECTIVE DATE OF THE CHANGE OF OPERATIONS SHALL BE CONSIDERED TO BE ACTIVE AND SHALL RETAIN THEIR RESPECTIVE POSITIONS ON THE DOVETAILED ACTIVE LISTS. ANY EMPLOYEE ON LONG TERM DISABILITY SHALL BE CONSIDERED AS ACTIVE IF HIS SENIORITY DATE WOULD HAVE PUT HIM/HER ON THE ACTIVE LIST.

C. A MASTER ACTIVE/LAID OFF POOL SHALL BE CREATED AND SHALL CONSIST OF THOSE OVER-THE-ROAD DRIVERS WHO WERE ACTIVE ON AUGUST 11, 1995, AT EITHER ABF, CAROLINA OR RED ARROW AND WHO WERE LAID OFF AS A DIRECT RESULT OF IMPLEMENTATION OF THIS CHANGE OF OPERATIONS.

A MASTER INACTIVE/LAID OFF POOL SHALL BE CREATED AND SHALL CONSIST OF THOSE OVER-THE-ROAD DRIVERS WHO WERE IN LAYOFF STATUS ON AUGUST 11, 1995, AT EITHER ABF, CAROLINA OR RED ARROW, REGARDLESS OF WHY THEY WERE LAID OFF.

AFTER IMPLEMENTATION, ANY ADDITIONAL JOB OPENINGS AT A ROAD DOMICILE WHERE EMPLOYEES IN EITHER POOL ARE ON LAYOFF SHALL BE OFFERED IN LINE OF SENIORITY TO SUCH EMPLOYEES FROM THAT DOMICILE, FIRST TO EMPLOYEES ON THE MASTER ACTIVE/LAID OFF POOL AND THEN TO EMPLOYEES ON THE MASTER INACTIVE/LAID OFF POOL.

JOB OPENINGS AT ANY DOMICILE OTHER THAN WHERE EMPLOYEES ARE PRESENTLY LAID OFF SHALL BE OFFERED FIRST, DURING THE WINDOW PERIOD, IN LINE OF SENIORITY TO THOSE EMPLOYEES ON THE MASTER ACTIVE/LAID OFF POOL AND THEN, IF NOT FILLED, IN LINE OF SENIORITY TO THOSE EMPLOYEES ON THE MASTER INACTIVE/LAID OFF POOL.

SUCCESSFUL BIDDERS SHALL RELINQUISH THEIR SENIORITY AT THEIR PRESENT ROAD DOMICILE UNDER THIS PROVISION AND SHALL BE DOVETAILED WITH THEIR CURRENT BIDDING SENIORITY DATE AT THE ROAD DOMICILE THEY BID. ALL OF THE PROVISIONS OF ARTICLE 862



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SECTION 6 SHALL APPLY TO SUCH TRANSFER.

ANY EMPLOYEE IN EITHER POOL WHO REFUSES THE OFFER OF A WORK OPPORTUNITY UNDER THIS PROVISION SHALL NOT BE OFFERED A SECOND OPPORTUNITY TO TRANSFER BUT SHALL REMAIN ON THE LIST ONLY FOR RECALL TO HIS PRESENT ROAD DOMICILE.

THE WINDOW PERIOD SHALL BE FOR ONE (1) YEAR. THE COMMITTEE SHALL RETAIN JURISDICTION TO EXTEND THE WINDOW PERIOD IF CIRCUMSTANCES WARRANT. AS STATED BY ABF ON THE RECORD, THE WINDOW PERIOD SHALL ALSO APPLY TO FULL LOCAL CARTAGE POSITIONS THAT BECOME AVAILABLE AT LOCATIONS WHERE INSUFFICIENT WORK FOR A FULL POSITION WAS ORIGINALLY TRANSFERRED AT THE TIME OF IMPLEMENTATION OF THIS DECISION. ONLY LOCAL CARTAGE EMPLOYEES FROM THE LOCATION FROM WHICH THE WORK WAS ORIGINALLY TRANSFERRED SHALL BE ELIGIBLE TO FILL SUCH POSITIONS. THE PROVISIONS OF ARTICLE 8, SECTION 6 SHALL APPLY.

W.P. PENSION AND HEALTH & WELFARE CONTRIBUTIONS PAID ON BEHALF OF AN EMPLOYEE TRANSFERRING UNDER THIS DECISION SHALL BE PAID TO THE FUNDS TO WHICH THE CONTRIBUTIONS WERE MADE PRIOR TO THE EMPLOYEE'S CHANGE OF DOMICILE.

ANY REBIDDING SHALL BE HANDLED BY THE LOCAL UNION AND ABF.

SOUTHERN MODIFIED SENIORITY SHALL BE EXERCISED UPON IMPLEMENTATION OF THE CHANGE OF OPERATIONS.

AN EMPLOYEE REDOMICILING TO AN EASTERN REGION AREA DOMICILE POINT THAT MAINTAINS A SINGLE SENIORITY BOARD (I.E. COMBINATION ROAD AND LOCAL) SHALL REMAIN IN THAT JOB CLASSIFICATION WITH WHICH HE REDOMICILED FOR A PERIOD OF (1) ONE YEAR, UNLESS THE ANNUAL JOB BID AT THAT DOMICILE TAKES PLACE AT LEAST NINE (9) MONTHS AFTER REDOMICILE.

THE FOLLOWING PROVISIONS WILL APPLY TO ANY EMPLOYEE LAID-OFF AS A RESULT OF THIS CHANGE OF OPERATIONS AND TO ANY OTHER EMPLOYEE CURRENTLY LAID-OFF, AND TO ANY EMPLOYEE LAID OFF AFTER THIS CHANGE OF OPERATIONS, FOR THE LIFE OF THE 1994-1998 NMFA:

- A. ABF AGREES TO EXTEND THE PROVISIONS OF ARTICLE 5, SECTION 5 OF THE NMFA TO ANY BARGAINING UNIT EMPLOYEE. ABF ALSO AGREES TO EXTEND THE RIGHT TO TRANSFER UNDER ARTICLE 5, SECTION 5 OF THE NMFA TO ANY ABF LOCATION IN THE CENTRAL, EASTERN AND SOUTHERN REGIONS, AS OPPOSED TO WITHIN THE REGIONAL AREA. TRANSFERS SHALL BE OFFERED ON THE BASIS OF BIDDING SENIORITY, BY CLASSIFICATION. THE COMMITTEE APPROVES THESE EXTENSIONS OF THE PROVISIONS OF ARTICLE 5, SECTION 5. AND AGREES THAT SUCH EXTENSIONS ARE LIMITED SOLELY TO THIS CHANGE OF OPERATIONS AND HAVE NO PRECEDENTIAL EFFECT.



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B. PENSION AND HEALTH & WELFARE CONTRIBUTIONS PAID ON BEHALF OF AN EMPLOYEE TRANSFERRING UNDER THIS PARAGRAPH SHALL BE PAID TO THE FUNDS TO WHICH THE CONTRIBUTIONS WERE MADE PRIOR TO THE EMPLOYEE'S CHANGE OF DOMICILE.

8. QUALIFIED BIDDERS ON LONG TERM DISABILITY (LTD) AT THE TIME OF ANY BID SHALL BE ALLOWED TO BID. IF SUCCESSFUL LTD BIDDERS ARE UNABLE TO CLAIM THEIR BID ON THE DATE OF IMPLEMENTATION, A HOLD-DOWN BID WILL BE ALLOWED. THIS HOLD-DOWN BID WILL BE OFFERED TO THE REMAINING ACTIVE EMPLOYEES AT THE LTD'S CURRENT LOCATION AND CLASSIFICATION. THE SUCCESSFUL HOLD-DOWN BIDDER SHALL BE DOVETAILED. WHEN THE LTD RETURNS TO WORK AND CLAIMS HIS BID, THE "HOLD-DOWN" EMPLOYEE MAY EITHER REMAIN AT THE HOLD-DOWN LOCATION UNDER PROVISIONS OF ARTICLE 5, SECTION 5 WITH A BIDDING SENIORITY DATE CONSISTENT WITH THE DATE OF IMPLEMENTATION OF THIS CHANGE OF OPERATIONS OR RETURN TO HIS ORIGINAL LOCATION WITH HIS ORIGINAL BIDDING SENIORITY DATE. THE "HOLD-DOWN" EMPLOYEE MAY NOT RETURN TO A LOCATION WHERE THE CLASSIFICATION FROM WHICH HE BID HAS BEEN ELIMINATED.

ABF SHALL NOT BE RESPONSIBLE FOR THE MOVING EXPENSES OF THE EMPLOYEE FILLING THE HOLD DOWN BID UNLESS AND UNTIL SUCH TIME AS IT IS DETERMINED THAT THE EMPLOYEE ON LTD WILL NEVER BE ABLE TO CLAIM HIS BID AND THE HOLD-DOWN BIDDER BECOMES A REGULAR PERMANENT EMPLOYEE AT THE HOLD-DOWN LOCATION.

9. IN RESPONSE TO THE QUESTION RAISED BY LOCAL UNION 41 ON THE RECORD, THE COMMITTEE SPECIFICALLY FINDS THAT ARTICLE 43, SECTION 1 OF THE CENTRAL STATES OVER-THE-ROAD AND LOCAL CARTAGE SUPPLEMENTS SHALL APPLY IN DETERMINING THE RECALL RIGHTS OF LAID-OFF EMPLOYEES.
10. INTERLINING SHALL BE HANDLED AS FOLLOWS:

- A. WHERE BOTH ABF AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE INTERLINING TO SERVICE AN AREA, ABF MAY CONTINUE TO INTERLINE.
- B. WHERE ABF IS PRESENTLY SERVICING AN AREA WITH ITS OWN EMPLOYEES AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE INTERLINING INTO THAT AREA, ABF SHALL CONTINUE TO SERVICE THE AREA WITH ITS OWN EMPLOYEES.
- C. WHERE ABF IS PRESENTLY INTERLINING TO SERVICE AN AREA, AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE SERVICING THAT AREA WITH THEIR OWN EMPLOYEES, ABF SHALL SERVICE THE AREA WITH ITS OWN EMPLOYEES.
- D. ABF AND THE LOCAL UNIONS SHALL MEET TO RESOLVE ANY DISPUTES ABOUT WHETHER INTERLINING IS JUSTIFIED IN THE SITUATIONS OUTLINED ABOVE. IF THE PARTIES FAIL TO RESOLVE THEIR DIFFERENCES, THE DISPUTE WILL BE RESOLVED THROUGH THE GRIEVANCE PROCEDURE. UNTIL THERE IS A FINAL DISPOSITION OF

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THE GRIEVANCE, INTERLINING SHALL CONTINUE IN SITUATIONS OUTLINED IN SUB-PARAGRAPH A, ABOVE, AND SHALL BE PROHIBITED IN SITUATIONS OUTLINED IN SUBPARAGRAPHS B AND C, ABOVE.

E. WHERE ABF PROVIDED LOCAL CARTAGE SERVICE WITHIN A CITY WITH LOCAL CARTAGE/DRAYAGE SUBCONTRACTORS, AND CAROLINA FREIGHT CARRIERS/RED ARROW SERVICED THAT CITY WITH THEIR OWN EMPLOYEES, ABF SHALL SERVICE THE AREA SOLELY WITH ITS OWN EMPLOYEES, INCLUDING BUT NOT LIMITED TO THE AREA CURRENTLY SERVICED BY LOCAL UNION 707.

11. THE COMMITTEE FINDS WITH REGARD TO THE CINCINNATI, FLORENCE, AND DAYTON TERMINALS, THE FOLLOWING SHALL APPLY:

THE CAROLINA, FLORENCE, AND CINCINNATI TERMINAL SENIORITY LISTS SHALL BE DOVETAILED IN ACCORDANCE WITH CURRENT BIDDING SENIORITY.

DURING THE WINDOW PERIOD, THE FIRST THIRTEEN (13) POSITIONS ADDED TO THE DAYTON SENIORITY LIST SHALL BE OFFERED IN LINE OF SENIORITY TO THE CINCINNATI TERMINAL SENIORITY LIST AND THE SUCCESSFUL BIDDERS SHALL BE DOVETAILED.

12. THE COMMITTEE FINDS THAT THE ABF INTERMODAL DECISION IN CASE NO. MR-ICO-1-6/75 WAS BASED ON ABF'S PRESENT AND PROPOSED INTERMODAL OPERATIONS AT THE TIME OF THE INTERMODAL HEARING, WHICH OCCURRED BEFORE THE MERGER INVOLVED IN THIS CHANGE OF OPERATIONS. THEREFORE, THE COMMITTEE REFERS TO THE NATIONAL INTERMODAL COMMITTEE THE QUESTION OF WHETHER THE CHANGE OF OPERATIONS APPROVED BY THE COMMITTEE IN THIS DECISION AFFECTS THE TERMS OF THE INTERMODAL DECISION IN CASE NO. MR-ICO-1-6/95, AND IF SO, WHAT MODIFICATIONS SHOULD BE MADE.

AS LONG AS ANY DISPLACED ROAD DRIVER IS ON INVOLUNTARY LAYOFF STATUS AT DALLAS, TX, THE RESTRICTIONS OF ARTICLE 29, SECTION 1 OF THE NMFA (CLEAN AND DIRTY RULE) SHALL REPLACE THE RAILING AUTHORITY OF ARTICLE 29, SECTION 3 OF THE NMFA.

THE PROVISIONS OF ARTICLE 29, SECTION 1 SHALL APPLY TO ABF'S NEW CHICAGO ROAD DOMICILE.

13. THE COMMITTEE EXPRESSLY DISAPPROVES ABF'S PROPOSAL TO USE VENDORS TO PERFORM MAINTENANCE WORK WITH MAINTENANCE BARGAINING UNIT EMPLOYEES ON INVOLUNTARY LAYOFF STATUS. THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT OPERATIVE AT THE TIME OF THE CHANGE OF OPERATIONS SHALL CONTINUE IN EFFECT, INCLUDING THE CONTRACT'S SUBCONTRACTING PROVISIONS.

14. ABF SHALL PROTECT THE CAROTRANS WORK OPPORTUNITY PRESENTLY PERFORMED BY CAROLINA AT JACKSONVILLE, MIAMI, AND HOUSTON WITH ABF BARGAINING UNIT EMPLOYEES.

15. AS LONG AS ANY DISPLACED OVER-THE-ROAD DRIVER IS ON INVOLUNTARY

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LAYOFF STATUS AS A RESULT OF THIS CHANGE OF OPERATIONS, THE COMPANY, ONLY TO THE EXTENT ALLOWED BY AN APPLICABLE SUPPLEMENTAL AGREEMENT, MAY USE CITY DRIVERS TO RUN THE ROAD, BUT ONLY AT ESTABLISHED ROAD DOMICILES. THIS PRACTICE SHALL NOT VIOLATE THE ESTABLISHED ORDER OF CALL AT THE APPLICABLE ROAD DOMICILE.

16. EMPLOYEES WHO HAVE BEEN DISCHARGED, AND WHOSE DISCHARGE IS PENDING ADJUDICATION UNDER THE GRIEVANCE PROCEDURE, SHALL BE OFFERED THE OPPORTUNITY TO BID.
17. UNION AND NON-UNION OFFICE EMPLOYEES SHALL BE DOVETAILED AS SET OUT IN PARAGRAPH 1 OF THIS DECISION. THE UNION EMPLOYEES SHALL CONTINUE TO BE COVERED BY ALL PROVISIONS OF THEIR RESPECTIVE COLLECTIVE BARGAINING AGREEMENTS, INCLUDING BUT NOT LIMITED TO, WAGES AND BENEFITS. IN ANY CASE WHERE A FUND WILL NOT ACCEPT CONTRIBUTIONS FROM ABF FOR UNION EMPLOYEES, THE COMMITTEE WILL DETERMINE THE STEPS NECESSARY TO ASSURE THAT ABF PROVIDES BENEFITS EQUIVALENT TO THOSE PROVIDED TO SUCH EMPLOYEES BEFORE TRANSFER.
18. DOCK EMPLOYEES WHO ARE ADVERSELY AFFECTED BY THIS CHANGE OF OPERATIONS AND MUST BE CDL QUALIFIED IN ORDER TO TRANSFER AND ELECT TO BID, SHALL BE PROVIDED A 60-DAY PERIOD, COMMENCING SEPTEMBER 19, 1995, DURING WHICH PERIOD SUCH EMPLOYEES WILL EITHER BECOME CDL QUALIFIED OR FORFEIT ANY RIGHTS TO FILL THE BID UNDER THIS DECISION. DURING THIS PERIOD, ABF IS INSTRUCTED TO PROVIDE ADEQUATE EQUIPMENT AND TRAINING PERSONNEL TO COMPLY WITH THIS PARAGRAPH.
19. AS A RESULT OF LOCAL 25'S HAVING ATTAINED BARGAINING UNIT JURISDICTION AT THE BURLINGTON, MASSACHUSETTS FACILITY, WHICH RESULTS IN TWO FACILITIES BEING UNDER LOCAL UNION 25'S JURISDICTION, THE PROVISIONS OF ARTICLE 43, SECTION 1(A) OF THE CURRENT NEW ENGLAND SUPPLEMENTAL FREIGHT AGREEMENT SHALL APPLY.
20. THE COMMITTEE DIRECTS ABF TO GIVE THE LOCAL UNIONS FULL DETAILS CONCERNING ANY 401(K) PLAN COVERING CAROLINA FREIGHT CARRIERS OR RED ARROW EMPLOYEES AND TO KEEP IN EFFECT ANY SUCH PLAN, UNTIL ABF ESTABLISHES AN EQUIVALENT PLAN. THE COMMITTEE ALSO DIRECTS ABF TO PROVIDE THE LOCAL UNIONS FULL DETAILS REGARDING THE PRIOR PENSION PLAN FOR RED ARROW EMPLOYEES.
21. THE REQUEST OF LOCAL UNION 200 TO ALLOW A MEMBER TO EXERCISE COMPANY SENIORITY IS DENIED.
22. THE ISSUE RAISED BY LOCAL UNION 61 REGARDING THE APPLICABLE PEDDLE RADIUS FOR CITY DRIVERS (50 OR 75 MILES) IS REFERRED TO THE PARTIES FOR RESOLUTION. ANY DIFFERENCES WILL BE RESOLVED THROUGH THE GRIEVANCE PROCEDURE.
23. ABF'S REQUEST FOR A TRIAL PERIOD TO DETERMINE FREIGHT FLOW FOR BIDDING PURPOSES IS REFERRED BACK TO THE LOCAL UNIONS AND ABF

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# PROPOSED SENIORITY APPLICATION

The following proposal is based on the general principle that employees who are dovetailed on the date of implementation are those who are bringing work load to follow, so that the list into which they dovetail should not be adversely affected based on the current economic levels.

At common terminal points for local cartage operations, the company will ascertain the work load that ABF can reasonably expect to retain at the time of combining employees. ABF will prepare a Master Active List of its employees and will then prepare a Master Active List of the Carolina employees and the Red Arrow employees, and all three lists will be based on the date this change is implemented. The Company will then offer job opportunity at ABF in numbers equivalent to the work load coming to ABF, by seniority, to the applicable Carolina or Red Arrow Master Active List and they shall be dovetailed into the ABF Master Active List. Those employees on the Carolina or Red Arrow Master Active List who are not offered job opportunity due to insufficient work load to transfer shall remain on such Master Active Seniority List and shall be offered work opportunity as it arises and when permanent job opportunity arises they shall be recalled and dovetailed.

The Company will also establish a Master Inactive List comprised of all employees on lay-off at ABF and Carolina or ABF and Red Arrow on the date this change is implemented. After the Master Active List set forth above has been exhausted, all future job opportunities shall be offered, in line of seniority, to the employees on the Master Inactive List and, upon proper recall, they shall be dovetailed into the Master Active List.

At all other ABF locations which involve Carolina or Red Arrow employees, the same general principle shall apply, i.e., only the number of Carolina or Red Arrow employees equivalent to actual work load transferred will be offered to the Carolina or Red Arrow Master Active List on the first day of the combined operations.

The same principle as outlined above shall apply to combining over-the-road seniority lists, office and/or maintenance groups, where appropriate, as well as to transfer opportunity involving any of those respective classifications.

Therefore, as a general rule:

Where only one (1) of the three (3) companies has a terminal location, the employees at that location will remain as they are. (See Exhibit "A" in the section on local cartage operations.)

Where there are dual facilities in any one location or area, the aforementioned seniority application will prevail. (See Exhibit "B" in the section on local cartage operations.)

Where there are apparent exceptions to the general rule, these will be resolved in Exhibit "C" in the section on local cartage operations.

8/24/95

Exhibit "A"  
Employee Analysis (Single)  
Local Cartage

Terminal		ABF Freight			Carolina/Red Arrow			Empl. Rmmts.
		Active	L/O	Total	Active	L/O	Total	
ABILENE	TX	2	0	2				2
AKRON	OH	15 1/8	0	15 1/8				15 1/8
ALEXANDRIA	LA	3	0	3				3
AMARILLO	TX	5	0	5				5
ASHTABULA	OH	3	1	4				4
BEAUMONT	TX	5	0	5				5
BENTON HARBOR	MI	3	0	3				3
BILOXI	MS	4	0	4				4
BINGHAMPTON	NY	7	0	7				7
BOWLING GREEN	KY	3	0	3				3
BROOKLYN PARK	MN	13	0	13				13
BROWNSVILLE	TX	4	0	4				4
BRYAN	OH	3	0	3				3
BUTLER	PA	4	0	4				4
CADILLAC	MT	2	0	2				2
CAMP HILL	PA	96	0	96				62
CANTON	OH	11	2	13	4	0	4	12
CAPE GIRARDEAU	MO	86	0 3	8				85
* CARLISLE	PA	328	0	328				296
CARLLS CORNER	NJ	1	0	1				1
CEDAR RAPIDS	IA	8	0	8				8
CHAMPAIGN	IL	4	0	4				4
CHARLESTON	SC	5	0	5				5
CHESTER	PA	21	0	21				21
COLUMBUS	NE	2	0	2				2
CORPUS CHRISTI	TX	2	0	2				2
DAYTON	OH	227	0	227				227
DECATUR	IL				4	2	6	0
DUBOIS	PA	4	0	4				4
DULUTH	MN	2	0	2				2
EAGAN	MN	20	0	20				20
EAU CLAIRE	WI	3	0	3				3
EFFINGHAM	IL	2	0	2				2
EL DORADO	AR	3	0	3				3
EL PASO	TX	15	0	15				15
ELGIN	IL	11	0	11				10 1/1
ELMIRA	NY	5	0	5				5
FAIRFIELD	IA	3	1	4				3
FAIRMONT	WV	4	0	4				4
FARGO	ND	3	0	3				3
FAYETTEVILLE	AR	8	0	8				8
FEDERALSBURG	MD	5	0	5	5	0	5	5
FLORENCE	KY				5	0	5	0
FT. SMITH	AR	11	0	11				11
GRAND ISLAND	NE	4	0	4				4 69



THOMAS VINSON  
VICE PRESIDENT  
ANDREW C. RELEY  
RECORDING SECRETARY  
MELVIN HARRIS  
TRUSTEE  
TERRY L. KING  
TRUSTEE  
JEANETTE WATERS  
TRUSTEE

AFFILIATED WITH THE  
International Brotherhood of Teamsters  
2552 JEFFERSON STREET  
HARRISBURG, PA 17110-2505  
THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT  
DALE H. CRUM  
SECRETARY TREASURER AND BUSINESS AGENT

BUSINESS AGENTS

JOHN L. FOGLE  
CARLOS N. RAMOS, II  
CHARLES SHUGHART  
GEORGE F. SMART, SR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

October 12, 1995

Dear Carolina Employee:

This letter is important. Please take the time to read it.

Surely you're aware that ABF and Carolina Freight recently merged their operations. Because of that merger, a change of operations was held on September 14/15, 1995.

As a result of the decision from the change of operations committee, the Carolina employees who are laid off at Carlisle, Pa will have certain rights to future work opportunities with ABF. Article 5, Section 5 of the NMFA addresses those rights. Those work opportunities will be offered to laid off Carolina employees in seniority order. However, it is necessary that you notify ABF in writing of your desire to be offered available work.

Enclosed is a form letter and an envelope. If you desire to be offered available work, you must complete the letter and mail it to ABF as soon as possible. If you desire, you may also draft your own letter instead of using the form letter. It is your choice to send the letter via regular mail or certified mail. In either case, I suggest that you keep a copy of the letter as your file copy.

You should mail the letter to ABF today. On October 16, 1995, the Company will begin compiling the list of employees who desire available work.

If you have any questions, please feel welcome to contact us.

Sincerely,

Charles Shughart  
Business Agent

BOIRE NORHAN T.  
(last) (first) (mi.)  
710 CHARLES RD  
street / P.O. Box  
Dauphin PA 17018  
(city) (state) (zip)  
717-921-8505 106-32-7194  
(home phone) (social security #)  
10/19/95  
(date)

Steve Walters, Terminal Manager  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, Pa 17072

Ref: Employment opportunities under Article 5, Section 5 of the NMFA

Dear Mr. Walters:

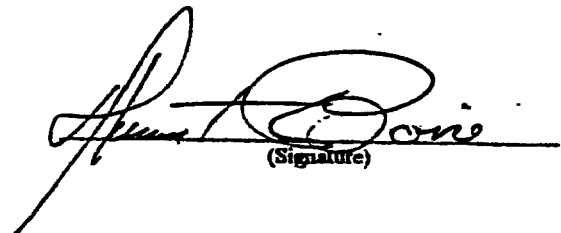
employment opportunities that become available at ABF.

I am interested in available work at the below areas: (Mark only one block).

- ☒ Carlisle/Camp Hill, Pa only  
☐ All terminals in ABF's system

I am a qualified: ☒ Road Driver  
☐ Jockey  
☐ Dockworker

Sincerely,

  
(Signature)

(Mail to ABF at above address.)

**EASTERN REGION JOINT AREA COMMITTEE**

Established in accordance with the terms and conditions of the National Master Freight Agreement and the CENT. PA Supplemental Agreement, entered into by and between the Local Union and carriers engaged in City Pickup and Delivery and/or Over-the-Road Freight Operations.

**DOCKET NO. C-149-00**

**IN THE MATTER OF THE DISPUTE BETWEEN**

**TEAMSTERS LOCAL NO. 776  
HARRISBURG, PA**

**SUBMISSION FORM**

and

**ABF FREIGHT SYSTEM, INC.**

We, the undersigned, parties to the National Master Freight Agreement and the CENT. PA Supplemental Agreement, hereby agree to submit the dispute to arbitration under the Rules of Procedure prescribed by the Eastern Region Joint Area Committee, by virtue of its authority, as set forth in Article 43 and of the CENT. PA Supplemental Agreement, the following:

On behalf of Rickey Bechtel, Union alleges violation of Article 5; requesting grievant be returned to proper seniority with all lost wages, benefits.

The undersigned further agree that a majority decision of the Eastern Region Joint Area Committee in the above dispute will be final, conclusive and binding with no appeal and, further, that neither party will attempt through any overt acts, to void the decision rendered.

The undersigned also agree that failure to comply with the decision of a majority of the Committee within ten (10) days of the date of the decision will result in the loss of all contract rights, privileges and benefits due them under Article 43 of the CENT. PA Supplemental Agreement.

Date July 25, 2000

Employer ABF FREIGHT SYSTEM, INC.

Local Union 776

Signed by Steven J. Froias, Labor Rels.

Signed by Charles Shughart, B. A.

**DECISION**

The Panel, in executive session, motion made, seconded and carried that this case is referred to the National Multi-Region Change of Operations Violations Committee.  
Cost split.

R. L. SCHAEFFER  
Employer Co-Secretary

NICHOLAS PICARELLO  
Union Co-Secretary

JULY 25, 2000  
Date

JULY 25, 2000  
Date

Gentlemen,

In review of the facts, which were presented here, I would like to summarize what we have discussed. First of all, I have a paper from ABF stating that I declined work elsewhere and would remain laid off at Carlisle, PA ~~for the time being~~. Second, contractually, I have recall rights for 5 years from date of lay off which was still in effect when I addressed this situation. I was made aware of this situation on February 18, 2000 and immediately proceeded to file this grievance. When the grievance was heard at the local level, it was at that point that I was made aware that ABF had hired employees on the local side as far back as 1998 so then I proceeded to send a letter to Mr. Schugart and requested a copy of the April, 2000 seniority list from ABF Freight at the Carlisle, Pa terminal. ~~This is a copy of the seniority list that I got up~~ There is something else that is very important in rendering a decision on this case and that is this document ~~which states that the~~ which states that the United States court of appeals for the Fourth District heard this case involving this same situation on seniority where the ABF employees had filed against the Carolina Employees claiming the employees from Carolina should not "DOVETAIL", however the Fourth District Court argued the case on October 28, 1998 and rendered a decision on the case on December 29, 1999. It was docketed under the title of George, it al v Ron Carey. The judges who heard the case were Wilkinson, Chief Judge, and Luttig and Motz, Circuit Judges. These judges made the decision that the Carolina Employees will be DOVETAILED into their seniority positions.

In closing, gentlemen, I ask that you review all the facts present here and make a decision in favor of me the grievant and I be placed back to work on the local side at ABF Freight at Carlisle, PA with my original seniority date of February 01, 1986 and for any money due me.

Thank you for your time.

~~Copy of the Seniority List to~~  
~~Seniority List to be included~~  
~~Court Case Exhibit 5~~

RICKEY A BECHTEL  
2072 LOCUST LANE  
HUMMELSTOWN

PA 17036

**Earnings Statement**

Period End  
05/27/95

Pay Date  
06/08/95

Check Number  
9149533

CAROLINA FREIGHT CARRIERS CORPORATION  
1201 EAST CHURCH STREET  
CHERRYVILLE, NC 28021-0697

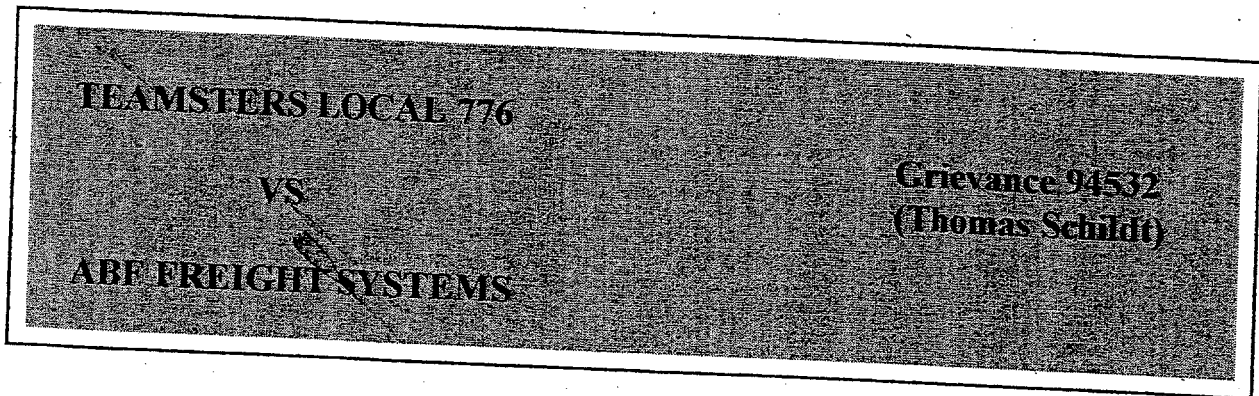
Social Security Number 179-52-1833  
Taxable Marital Status: S  
Number of Exemptions: 0  
Federal S  
State S  
Local S  
Location CF1039

Earnings	Rate	Hours	This Period	Year to Date
ADV VACATIO	17.7200	135.00	2,392.20	2,392.20
BIRTHDAY				139.36
CHRSTMAS DA				278.72
JURY DUTY				696.80
NEW YEAR DA				139.36
PERSONAL DA	17.7200	24.00	425.28	425.28
WORK				7,525.44

Deductions	This Period	Year to Date
CARLISLE	28.17	115.9
FIT	516.40	2,168.5
MEDCARE	40.85	168.1
OASDI	174.68	719.0
SDI42	3.10	12.7
SIT42	78.88	324.6
CARL. TAX		10.0
NATIONAL DR	1.00	15.0
UNION DUES		144.0

Totals	Gross Pay	Taxable Wages	Taxes	Deductions	Net Pay
This Period	\$2,817.48	\$2,817.48	\$842.08	\$1.00	\$1,974.40
Year to Date	\$11,597.16	\$11,597.16	\$3,509.10	\$169.00	\$7,919.06

CF1039  
RICKEY A BECHTEL  
2072 LOCUST LANE  
HUMMELSTOWN PA 17036



Gentlemen of the Committee:

Grievance number 94532 reads as follows:

*I am filing this grievance due to the fact that I am a laid off ABF employee at Carlisle, PA (see attached letter marked Exhibit A). It has come to my attention that ABF is hiring at the Carlisle, PA terminal and I am filing this because I have not been contacted for any available work opportunities. Under the National Master Freight Agreement that was in effect in 1995 when I was laid off, Article # 5, Section # 2 states that "If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall, such employees shall be "dovetailed" into the active seniority roster with their continuous classification (road or city) seniority dates they are currently exercising which shall then be exercised for all purposes". (Exhibit 1)*

Note: The grievant amended the grievance by letter dated April 10, 2000 to include a claim for "all monies due" (Exhibit 2).



The grievant was a full-time dock employee with Carolina Freight at the Carlisle, Pennsylvania breakbulk terminal. His seniority date was January 11, 1988. In May, 1995, Carolina Freight Carriers terminated their breakbulk operations at the Carlisle, Pennsylvania terminal. All remaining employees not previously laid-off were placed on layoff status.

On July 10, 1995, it was announced that ABF Freight Carriers, Inc would acquire Carolina Freight Carriers and Red Arrow Freight Lines. On September 14 and 15, 1995, the issues concerning the change of operations were presented at a meeting held in Chicago. At the change of operations, Local 776 addressed concerns about the previously laid off employees at the Carolina terminal at Carlisle (Exhibit 3).

Mr. Schildt has filed this grievance, claiming that ABF is violating the term of Article 5, Section 2 (of the 94 - 98 NMFA). That language reads as follows:

*In addition, the inactive seniority rosters (employees who are on letter of layoff) shall be similarly "dovetailed" by appropriate classification. If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall such employees shall be "dovetailed" into the active seniority roster with their continuous classification (road or city) seniority dates they are currently exercising which shall then be exercised for all purposes. Seniority rosters previously combining job classifications shall be continued unless otherwise agreed.*

Obviously, Mr. Schildt was on a letter of layoff from Carolina Freight at the time the ABF merger / acquisition took place. When that occurred, it would seem that ABF assumed the debts, liabilities and contractual obligations previously held by Carolina Freight. One aspect of those contractual obligations is the recall rights of Carolina employees who were previously placed in layoff status by Carolina. As such, Mr. Schildt should be entitled to recall rights under Article 5, Section 2.

Should there be any question that Mr. Schildt was on layoff from ABF, the attached letter (Exhibit 4) clearly indicates his layoff status. It reads in part:

*This letter is to confirm that you elected to decline the job offer  
and to remain in **layoff** status at Carlisle, PA*

Attached is a copy of a seniority list from the ABF at Carlisle, Pennsylvania (Exhibit 5). As can be determined from the list, ABF has hired 84 employees who have a seniority date of April, 1999 or later. Approximately 30 of those individuals work in the dock / local classification.

In view of the clear and undisputable facts related to this grievance, we respectfully request that the Committee uphold the claim of the grievant.

Respectfully Submitted

Charles Shughart  
Business Agent

# EXHIBIT  
4

THOMAS M SCHILDT  
5486 BEAGLE ROAD  
ELIZABETHTOWN PA 17022

**Earnings Statement**

Period End 03/18/95 Pay Date 03/30/95 Check Number 9085845

CAROLINA FREIGHT CARRIERS CORPORATION  
1201 EAST CHURCH STREET  
CHERRYVILLE, NC 28021-0697

Social Security Number 209-50-8838 Taxable Marital Status: M M M Location CF1039  
Number of Exemptions: 3 3 3

Earnings	Rate	Hours	This Period	Year to Date
BIRTHDAY				139.36
CHRSTMAS DA				278.72
NEW YEAR DA				139.36
SICK				278.72
WORK	17.4200	7.00	121.94	4,442.10

Deductions	This Period	Year to Date
CARLISLE	1.22	52.79
FIT		452.66
MEDCARE	1.76	76.53
OASDI	7.56	327.25
SDI42	0.14	5.81
SIT42	3.41	147.78
CARL. TAX		10.00
NATIONAL DR	1.00	9.00
UNION DUES		72.00

Totals	Gross Pay	Taxable Wages	Taxes	Deductions	Net Pay
This Period	\$121.94	\$121.94	\$14.09	\$1.00	\$106.85
Year to Date	\$5,278.26	\$5,278.26	\$1,062.82	\$91.00	\$4,124.44

CF1039  
THOMAS M SCHILDT  
5486 BEAGLE ROAD  
ELIZABETHTOWN PA 17022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICKEY A. BECHTEL,

Plaintiff,

vs.

DANIEL VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; and ABF FREIGHT  
SYSTEM, INCORPORATED,

Defendants. :

No. 1:01-CV-789

Judge Sylvia H. Rambo

**AFFIDAVIT OF CHARLES W. SHUGHART**

COMMONWEALTH OF PENNSYLVANIA )

COUNTY OF DAUPHIN )

ss:

Before me, the undersigned authority, personally appeared Charles W. Shughart, who, being first duly sworn by me according to law, did depose and state as follows:

1. I am, and have been at all times relevant to the issues raised in Plaintiff's Complaint, the Business Agent for Teamsters Local Union No. 776.
2. Mr. Bechtel worked at Carolina Freight's Carlisle facility through the date of Plaintiff's layoff, which date was on or about May 21, 1995.
3. On or about May 21, 1995, Carolina Freight closed its Carlisle facility, but remained in operation at other Carolina Freight facilities but not in Carlisle.
4. The employees covered by the National Master Freight Agreement (hereinafter NMFA), including Mr. Bechtel, at Carolina Freight's Carlisle facility were either laid off, or were offered employment at one of Carolina Freight's other facilities.
5. ABF's parent company purchased Carolina Freight on September 25, 1995 and merged its operations with other companies owned by ABF's parent company.
6. Mr. Bechtel was a member of Teamsters Local Union No. 776 when he worked at Carolina Freight.
7. Teamsters Local Union No. 776 represented certain employees of Carolina Freight, including Plaintiff, during their employment at Carolina Freight.
8. The International Brotherhood of Teamsters (hereinafter IBT) and Daniel Virtue are not parties to the NMFA. Article 1, Section 2 of the NMFA

provides, in relevant part: "The Union consists of any Local Union which may become a party to this Agreement and any Supplemental Agreement as hereinafter set forth." A true and accurate copy of Article 1, Section 2 of the NMFA is attached hereto as Exhibit "A".

9. On October 12, 1995, I wrote a letter to all Carolina Freight employees, including Mr. Bechtel, advising said employees as follows: "As a result of the decision from the Change of Operations Committee, the Carolina employees who are laid off at Carlisle, PA will have certain rights to future work opportunities at ABF. Article 5, Section 5 of the NMFA addresses those rights. Those work opportunities will be offered to laid off Carolina employees in seniority order. However, it is necessary that you notify ABF in writing of your desire to be offered available work." A true and accurate copy of Business Agent Shughart's October 12, 1995 letter and Article 5, Section 5 of the NMFA are attached hereto as Exhibits "B" and "C".
10. The Change of Operation Committee's decision was circulated on or about September 19, 1995. This decision sets forth how all employment issues involving Carolina employees were to be handled including Mr. Bechtel. A true and accurate copy of the decision is attached hereto as Exhibit "D".



11. On February 20, 2000, Mr. Bechtel filed a grievance grieving that he had not been contacted for any available work opportunities at ABF. A true and accurate copy of Mr. Bechtel's Grievance is attached hereto as Exhibit "E".
12. By letter dated February 29, 2000, I notified Mr. Bechtel that Mr. Bechtel's grievance had been received and forwarded to ABF. A true and accurate copy of Business Agent Shughart's February 29, 2000 letter is attached hereto as Exhibit "F".
13. Grievances falling under Article 1 through 39 of the NMFA follow the following grievance procedure: Traditionally, the Union Representative or Steward meets with the Employer in an attempt to resolve the grievance. If the Employer and the Union Representative or Steward, fail to resolve the matter, the grievance is submitted to the Eastern Region Joint Area Committee. The Eastern Region Joint Area Committee will hear the grievance and either decide the matter or refer such grievances to the Change of Operations Committee when the issue involves such an issue.  
  
Article 8, Section 6 of the NMFA for the period of April 1, 1998 through March 31, 2003 provides in relevant part: The Change of Operations Committee shall have the authority to determine the seniority of the employees affected and such determination shall be final and binding. A

true and accurate copy of the relevant provisions of the NMFA is attached hereto as Exhibit "G".

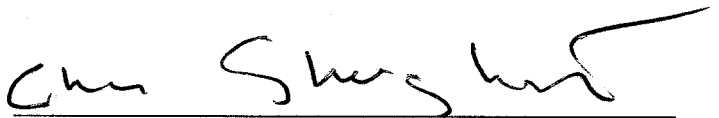
14. On March 29, 2000, I sent correspondence to Mr. Bechtel confirming that Mr. Bechtel's grievance would be discussed at the company level on Wednesday, April 5, 2000 at 9:00 a.m. Mr. Bechtel attended this meeting. A true and accurate copy of Business Agent Shughart's March 29, 2000 letter is attached hereto as Exhibit "H".
15. Mr. Bechtel's grievance was not resolved at the company level and I notified Mr. Bechtel by sending him a carbon copy of my letter to ABF of such in a detailed letter dated April 5, 2000. A true and accurate copy of Business Agent Shughart's April 5, 2000 letter is attached hereto as Exhibit "I".
16. I complied with all of Plaintiff's requests in regard to the instant matter. For instance, on May 17, 2000, Mr. Bechtel addressed a letter to me requesting a seniority list of union employees at ABF in Carlisle and a layoff list of the Carolina Freight employees. A true and accurate copy of Business Agent Shughart's April 5, 2000 letter and Mr. Bechtel's May 17, 2000 letter is attached hereto as Exhibit No. "I" and "J".
17. I responded to the above letter on May 24, 2000 and stated that, although a Carolina Freight list was not likely to be found, the ABF list would be

forwarded to Mr. Bechtel upon my receipt of said list. A true and accurate copy of Business Agent Shughart's May 24, 2000 letter is attached hereto as Exhibit "K".

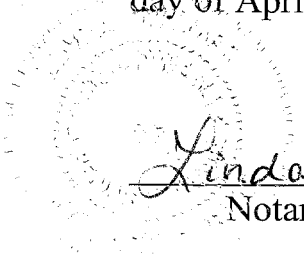
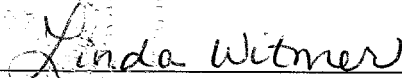
18. I requested the seniority list from ABF on May 24, 2000. A true and accurate copy of Business Agent Shughart's May 24, 2000 letter is attached hereto as Exhibit "K".
19. I received the seniority list on June 5, 2000 and forwarded the list to Mr. Bechtel on June 15, 2000. A true and accurate copy of Business Agent Shughart's June 15, 2000 letter is attached hereto as Exhibit "L".
20. On June 15, 2000, I notified Mr. Bechtel that Mr. Bechtel's grievance was scheduled to be presented at the Eastern Region Grievance Committee (hereinafter ERGC) during the week of July 24 – 27, 2000. A true and accurate copy of Business Agent Shughart's June 15, 2000 letter is attached hereto as Exhibit "L".
21. In preparation for this hearing, I met with Mr. Bechtel on two separate occasions to review the brief that was to be presented to the ERGC. Mr. Bechtel provided input and changes were made to my brief with Mr. Bechtel's approval.

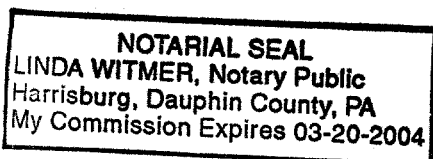
22. I also sent Mr. Bechtel a copy of my ERGC brief on July 18, 2000 for any final revisions by Mr. Bechtel. A true and accurate copy of Business Agent Shughart's July 18, 2000 letter is attached hereto as Exhibit "M".
23. Mr. Bechtel approved the brief and indicated that he was pleased with the brief.
24. Mr. Bechtel's case was heard before the ERGC on July 25, 2000, at which time, the ERGC referred Mr. Bechtel's case to the Change of Operations Committee. Mr. Bechtel attended the Change of Operations Committee hearing.
25. On September 26, 2000, I advised Mr. Bechtel that Mr. Bechtel's grievance would be presented to the Change of Operations Committee on October 26 – 27, 2000. A true and accurate copy of Business Agent Shughart's September 26, 2000 letter is attached hereto as Exhibit "N".
26. On October 27, 2000, I presented Mr. Bechtel's grievance to the Change of Operations Committee. Mr. Bechtel was present and testified on his own behalf.
27. Thereafter, the Change of Operations Committee denied Mr. Bechtel's grievance.

28. Mr. Bechtel attended each hearing and Mr. Bechtel was given a full opportunity to be heard at each hearing.
29. In reply to Mr. Bechtel's request of December 6, 2000 to appeal the Change of Operations Committee's decision, I notified Mr. Bechtel by letter dated December 28, 2000 that the decision issued by the Change of Operations Committee was final and that the grievance procedure does not provide for the appeal of a decision that is issued by a majority of the Committee member. A true and accurate copy of Business Agent Shughart's December 28, 2000 letter is attached hereto as Exhibit "O".
30. Each of the averments contained in this Affidavit are based upon my direct personal knowledge of the events in questions.

  
CHARLES SHUGHART

SWORN and Subscribed to  
and before me this 15<sup>th</sup>  
day of April, 2002.

  
  
Notary Public



**ARTICLE 1.****PARTIES TO THE AGREEMENT****Section 1. Employers Covered**

The Employer consists of Associations, members of Associations who have given authorization to the Associations to represent them in the negotiation and/or execution of this Agreement and Supplemental Agreements, and individual Employers who become signator to this Agreement and Supplemental Agreements as hereinafter set forth. The signator Associations enter into this Agreement and Supplemental Agreements as hereinafter set forth. The signator Associations represent that they are duly authorized to enter into this Agreement and Supplemental Agreements on behalf of their members under and as limited by their authorizations as submitted prior to negotiations.

**Section 2. Unions Covered**

The Union consists of any Local Union which may become a party to this Agreement and any Supplemental Agreement as hereinafter set forth. Such Local Unions are hereinafter designated as "Local Union." In addition to such Local Unions, the Teamsters National Freight Industry Negotiating Committee representing Local Unions affiliated with the International Brotherhood of Teamsters, hereinafter referred to as the "National Union Committee," is also a party to this Agreement and the agreements supplemental hereto.

**Section 3. Transfer of Company Title or Interest**

The Employer's obligations under this Agreement including Supplements shall be binding upon its successors, administrators, executors and assigns. The Employer agrees that the obligations of this Agreement shall be included in the agreement of sale, transfer or assignment of the business. In the event an entire active or inactive operation, or a portion thereof, or rights only, are sold, leased, transferred or taken over by sale, transfer, lease, assignment, receivership or bankruptcy proceedings, such operation or use of rights shall continue to be subject to the terms and conditions of this Agreement for the life thereof. Transactions covered by this provision include stock sales or exchanges, mergers, consolidations, spin-offs or any other method by which a business is transferred.



2

CHAUFFEURS, TEAMSTERS AND HELPERS  
Local Union No. 776

THOMAS VINSON  
VICE PRESIDENT  
ANDREW C. REILLY  
RECORDING SECRETARY  
MELVIN HARRIS  
TRUSTEE  
TERRY L. KING  
TRUSTEE  
JEANETTE WATERS  
TRUSTEE

AFFILIATED WITH THE  
International Brotherhood of Teamsters  
2552 JEFFERSON STREET  
HARRISBURG, PA 17110-2505  
THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT  
DALE H. CRUM  
SECRETARY TREASURER AND BUSINESS AGENT

BUSINESS AGENTS

JOHN L. FOGLE  
CARLOS N. RAMOS, II  
CHARLES SHUGHART  
GEORGE F. SMART, SR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

October 12, 1995

Dear Carolina Employee:

This letter is important. Please take the time to read it.

Surely you're aware that ABF and Carolina Freight recently merged their operations. Because of that merger, a change of operations was held on September 14/15, 1995.

As a result of the decision from the change of operations committee, the Carolina employees who are laid off at Carlisle, Pa will have certain rights to future work opportunities with ABF. Article 5, Section 5 of the NMFA addresses those rights. Those work opportunities will be offered to laid off Carolina employees in seniority order. However, it is necessary that you notify ABF in writing of your desire to be offered available work.

Enclosed is a form letter and an envelope. If you desire to be offered available work, you must complete the letter and mail it to ABF **as soon as possible**. If you desire, you may also draft your own letter instead of using the form letter. It is your choice to send the letter via regular mail or certified mail. In either case, I suggest that you keep a copy of the letter as your file copy.

You should mail the letter to ABF today. On October 16, 1995, the Company will begin compiling the list of employees who desire available work.

If you have any questions, please feel welcome to contact us.

Sincerely,

Charles Shughart  
Business Agent

EXHIBIT  
"B"

## **Article 5, Section 4**

### **Posting Seniority List**

- \* (d) The Employer shall give the Local Union a seniority list at least every six (6) months. The Employer shall also post a seniority list at least once every six (6) months and shall maintain a current seniority roster at the terminal. Protest of any employee's seniority date or position on such list must be made in writing to the Employer within thirty (30) days after such seniority date or position first appears, and if no protests are timely made, the dates and positions posted shall be deemed correct. Any such protest which is timely made may be submitted to the grievance procedure.

## **Section 5. Work Opportunity**

Over-the-road employees, who are on letter of layoff, shall be given an opportunity to transfer to permanent over-the-road employment (prior to the employment of new hires) occurring at other over-the-road domiciles of the Employer located within the Regional area provided they notify the Employer in writing of their interest in a transfer opportunity. The offer of transfer will be made in the order of continuous over-the-road seniority of the laid-off drivers domiciled within the Regional area. The Employer shall be required to make additional offers of transfer to an employee who has previously rejected a transfer opportunity provided the employee again notifies the Employer in writing of his/her continued interest in additional transfer opportunities. However, the Employer will only be required to make one transfer offer in any six (6) calendar month period. Any employee accepting such offer shall be paid at the employee's applicable rate of pay and shall be placed at the bottom of the seniority board for bidding and layoff purposes, but shall retain company seniority for fringe benefits only. A transferring employee shall pay his/her own moving expenses and shall, upon reporting to such new domicile, be deemed to have relinquished his/her right to return with seniority to the domicile from which he/she transferred. The provisions of this Section shall not supersede an established order of call/hiring in the Supplemental Agreement.

## TITAN ELECTRONIC MAIL

ATE. 09/19/95  
 TIME. 15.37 EST  
 O. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI  
 OR. PRINCIPAL OFFICER  
 PAGE 001 MSG NMBR 431

TPI1

14

O: THE PRINCIPAL OFFICERS OF THE FOLLOWING LOCAL UNIONS:

7, 20, 24, 26, 40, 41, 43, 50, 75, 89, 92, 100, 116, 120, 135,  
 147, 160, 164, 200, 215, 236, 238, 245, 279, 299, 301, 325, 332,  
 339, 346, 364, 371, 377, 406, 407, 413, 414, 460, 534, 544, 554, 563,  
 574, 580, 600, 614, 627, 637, 651, 662, 673, 688, 695, 696, 697, 705,  
 710, 722, 749, 795, 823, 833, 908, 916, & 957 OF THE CENTRAL REGION

22, 25, 28, 29, 30, 42, 59, 61, 71, 107, 110, 118, 170, 171,  
 175, 182, 191, 229, 249, 251, 294, 312, 317, 340, 355, 375,  
 384, 391, 397, 401, 404, 429, 430, 437, 443, 445, 449, 470,  
 493, 500, 509, 529, 538, 557, 560, 592, 597, 633, 639, 649,  
 653, 671, 676, 677, 687, 693, 701, 707, 764, 771, 773, 776,  
 789, 822, & 992 OF THE EASTERN REGION

5, 79, 217, 270, 373, 385, 390, 402, 480, 512, 515, 519, 523,  
 528, 549, 568, 577, 612, 657, 667, 728, 745, 878, 886, 891,  
 920, 969, 988, & 991 OF THE SOUTHERN REGION

961 OF THE WESTERN REGION

E: ABF FREIGHT SYSTEM, INC. - MULTI-REGION CHANGE OF OPERATIONS  
 DECISION IN CASE NO. MR-CO-38-9/95

EAR SISTERS AND BROTHERS:

FOLLOWING IS THE DECISION RENDERED BY THE MULTI-REGION CHANGE OF  
 PERATIONS COMMITTEE IN THE ABOVE REFERENCED CASE. UPON RECEIPT OF THIS  
 ECISION PLEASE COPY AND DISTRIBUTE TO ALL ABF AND CAROLINA FREIGHT  
 ORK SITES FOR IMMEDIATE POSTING:

HE MULTI-REGION CHANGE OF OPERATIONS COMMITTEE ADOPTED A MOTION THAT  
 HE COMPANY'S PROPOSED CHANGE OF OPERATIONS BE APPROVED AS MODIFIED  
 ND CLARIFIED BY THE COMPANY ON THE RECORD WITH THE FOLLOWING PROVISOS:

- THIS CHANGE OF OPERATIONS INVOLVES A TRANSACTION WITHIN THE  
 MEANING OF ARTICLE 5, SECTION 2(A)-(C) OF THE NMFA:

A. THE COMMITTEE DIRECTS THAT, IN ACCORDANCE WITH THE PROVISIONS  
 OF ARTICLE 5, SECTION 2(A)-(C), ARTICLE 5, SECTION 3, AND  
 ARTICLE 8, SECTION 6(G) OF THE NMFA, THE SENIORITY LISTS AT  
 DOMICILES AND TERMINALS AFFECTED BY THIS CHANGE OF OPERATIONS  
 SHALL BE GROUPED FOR DOVETAILING AS REFLECTED ON THE EXHIBITS  
 CONTAINED IN THE PROPOSED CHANGE OF OPERATIONS, (AS CLARIFIED  
 OR CORRECTED ON THE RECORD), AND AS PROVIDED IN ARTICLE 5,  
 SECTION 2(C) OF THE NMFA. DOVETAILING APPLIES TO ALL  
 BARGAINING UNIT EMPLOYEES AFI

EXHIBIT

"D"

COMBINING OR ELIMINATING

90

## TITAELECTRONIC MAIL

DATE: 09/19/95  
 TIME: 15.37 EST  
 TO: LCL/TERM-ID 373  
 FROM: LCL/TERM-ID TPI  
 FOR: PRINCIPAL OFFICER  
 PAGE 002 MSG NMBR 431

TPI1

ABF AND CAROLINA FREIGHT CARRIERS/RED ARROW FACILITIES AND INCLUDES ALL MAINTENANCE AND OFFICE EMPLOYEES. EVERY FACILITY WHOSE WORK HAS BEEN MERGED WITH THE WORK OF ANOTHER FACILITY MUST BE GROUPED WITH THAT FACILITY. THIS PARAGRAPH DOES NOT APPLY TO LOCAL UNIONS 673, 705 AND 710 (DOCK AND OFFICE), WHICH ARE NOT SIGNATORY TO THE NMFA.

- B. DOVETAILING SHALL BE ACTIVE TO ACTIVE, INACTIVE TO INACTIVE, BY CLASSIFICATION. THOSE EMPLOYEES WHO WERE ON LETTER OF LAYOFF (OR THE EQUIVALENT THEREOF UNDER THOSE SUPPLEMENTS WHERE LETTERS OF LAYOFF ARE NOT UTILIZED) ON AUGUST 11, 1995, SHALL BE CONSIDERED AS INACTIVE FOR THE PURPOSES OF THIS DECISION, EVEN IF THEY HAVE BEEN USED FOR TEMPORARY WORK OR RECALLED PRIOR TO THE EFFECTIVE DATE OF THE CHANGE OF OPERATIONS. ANY EMPLOYEES LAID OFF AFTER AUGUST 11, 1995, BUT BEFORE THE EFFECTIVE DATE OF THE CHANGE OF OPERATIONS SHALL BE CONSIDERED TO BE ACTIVE AND SHALL RETAIN THEIR RESPECTIVE POSITIONS ON THE DOVETAILED ACTIVE LISTS. ANY EMPLOYEE ON LONG TERM DISABILITY SHALL BE CONSIDERED AS ACTIVE IF HIS SENIORITY DATE WOULD HAVE PUT HIM/HER ON THE ACTIVE LIST.
- C. A MASTER ACTIVE/LAID OFF POOL SHALL BE CREATED AND SHALL CONSIST OF THOSE OVER-THE-ROAD DRIVERS WHO WERE ACTIVE ON AUGUST 11, 1995, AT EITHER ABF, CAROLINA OR RED ARROW AND WHO WERE LAID OFF AS A DIRECT RESULT OF IMPLEMENTATION OF THIS CHANGE OF OPERATIONS.

A MASTER INACTIVE/LAID OFF POOL SHALL BE CREATED AND SHALL CONSIST OF THOSE OVER-THE-ROAD DRIVERS WHO WERE IN LAYOFF STATUS ON AUGUST 11, 1995, AT EITHER ABF, CAROLINA OR RED ARROW, REGARDLESS OF WHY THEY WERE LAID OFF.

AFTER IMPLEMENTATION, ANY ADDITIONAL JOB OPENINGS AT A ROAD DOMICILE WHERE EMPLOYEES IN EITHER POOL ARE ON LAYOFF SHALL BE OFFERED IN LINE OF SENIORITY TO SUCH EMPLOYEES FROM THAT DOMICILE, FIRST TO EMPLOYEES ON THE MASTER ACTIVE/LAID OFF POOL AND THEN TO EMPLOYEES ON THE MASTER INACTIVE/LAID OFF POOL.

JOB OPENINGS AT ANY DOMICILE OTHER THAN WHERE EMPLOYEES ARE PRESENTLY LAID OFF SHALL BE OFFERED FIRST, DURING THE WINDOW PERIOD, IN LINE OF SENIORITY TO THOSE EMPLOYEES ON THE MASTER ACTIVE/LAID OFF POOL AND THEN, IF NOT FILLED, IN LINE OF SENIORITY TO THOSE EMPLOYEES ON THE MASTER INACTIVE/LAID OFF POOL.

SUCCESSFUL BIDDERS SHALL RELINQUISH THEIR SENIORITY AT THEIR PRESENT ROAD DOMICILE UNDER THIS PROVISION AND SHALL BE DOVETAILED WITH THEIR CURRENT BIDDING SENIORITY DATE AT THE ROAD DOMICILE THEY BID. ALL OF THE PROVISIONS OF ARTICLE 8,<sup>91</sup>



## TITAN ELECTRONIC MAIL

DATE. 09/19/95  
 TIME. 15.37 EST  
 TO. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI  
 FOR. PRINCIPAL OFFICER  
 PAGE 003 MSG NMBR 431

TPI1

SECTION 6 SHALL APPLY TO SUCH TRANSFER.

ANY EMPLOYEE IN EITHER POOL WHO REFUSES THE OFFER OF A WORK OPPORTUNITY UNDER THIS PROVISION SHALL NOT BE OFFERED A SECOND OPPORTUNITY TO TRANSFER BUT SHALL REMAIN ON THE LIST ONLY FOR RECALL TO HIS PRESENT ROAD DOMICILE.

2. THE WINDOW PERIOD SHALL BE FOR ONE (1) YEAR. THE COMMITTEE SHALL RETAIN JURISDICTION TO EXTEND THE WINDOW PERIOD IF CIRCUMSTANCES WARRANT. AS STATED BY ABF ON THE RECORD, THE WINDOW PERIOD SHALL ALSO APPLY TO FULL LOCAL CARTAGE POSITIONS THAT BECOME AVAILABLE AT LOCATIONS WHERE INSUFFICIENT WORK FOR A FULL POSITION WAS ORIGINALLY TRANSFERRED AT THE TIME OF IMPLEMENTATION OF THIS DECISION. ONLY LOCAL CARTAGE EMPLOYEES FROM THE LOCATION FROM WHICH THE WORK WAS ORIGINALLY TRANSFERRED SHALL BE ELIGIBLE TO FILL SUCH POSITIONS. THE PROVISIONS OF ARTICLE 8, SECTION 6 SHALL APPLY.
1. *H.W.P.* PENSION AND HEALTH & WELFARE CONTRIBUTIONS PAID ON BEHALF OF AN EMPLOYEE TRANSFERRING UNDER THIS DECISION SHALL BE PAID TO THE FUNDS TO WHICH THE CONTRIBUTIONS WERE MADE PRIOR TO THE EMPLOYEE'S CHANGE OF DOMICILE.
- ANY REBIDDING SHALL BE HANDLED BY THE LOCAL UNION AND ABF.
- SOUTHERN MODIFIED SENIORITY SHALL BE EXERCISED UPON IMPLEMENTATION OF THE CHANGE OF OPERATIONS.
- AN EMPLOYEE REDOMICILING TO AN EASTERN REGION AREA DOMICILE POINT THAT MAINTAINS A SINGLE SENIORITY BOARD (I.E. COMBINATION ROAD AND LOCAL) SHALL REMAIN IN THAT JOB CLASSIFICATION WITH WHICH HE REDOMICILED FOR A PERIOD OF (1) ONE YEAR, UNLESS THE ANNUAL JOB BID AT THAT DOMICILE TAKES PLACE AT LEAST NINE (9) MONTHS AFTER REDOMICILE.
7. THE FOLLOWING PROVISIONS WILL APPLY TO ANY EMPLOYEE LAID-OFF AS A RESULT OF THIS CHANGE OF OPERATIONS AND TO ANY OTHER EMPLOYEE CURRENTLY LAID-OFF, AND TO ANY EMPLOYEE LAID OFF AFTER THIS CHANGE OF OPERATIONS, FOR THE LIFE OF THE 1994-1998 NMFA:
  - A. ABF AGREES TO EXTEND THE PROVISIONS OF ARTICLE 5, SECTION 5 OF THE NMFA TO ANY BARGAINING UNIT EMPLOYEE. ABF ALSO AGREES TO EXTEND THE RIGHT TO TRANSFER UNDER ARTICLE 5, SECTION 5 OF THE NMFA TO ANY ABF LOCATION IN THE CENTRAL, EASTERN AND SOUTHERN REGIONS, AS OPPOSED TO WITHIN THE REGIONAL AREA. TRANSFERS SHALL BE OFFERED ON THE BASIS OF BIDDING SENIORITY, BY CLASSIFICATION. THE COMMITTEE APPROVES THESE EXTENSIONS OF THE PROVISIONS OF ARTICLE 5, SECTION 5, AND AGREES THAT SUCH EXTENSIONS ARE LIMITED SOLELY TO THIS CHANGE OF OPERATIONS AND HAVE NO PRECEDENTIAL EFFECT.

## AN ELECTRONIC MAIL

DATE. 09/19/95  
 TIME. 15.37 EST  
 TO. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI  
 FOR. PRINCIPAL OFFICER  
 PAGE 004 MSG NMBR 431

TPI1

B. PENSION AND HEALTH & WELFARE CONTRIBUTIONS PAID ON BEHALF OF AN EMPLOYEE TRANSFERRING UNDER THIS PARAGRAPH SHALL BE PAID TO THE FUNDS TO WHICH THE CONTRIBUTIONS WERE MADE PRIOR TO THE EMPLOYEE'S CHANGE OF DOMICILE.

8. QUALIFIED BIDDERS ON LONG TERM DISABILITY (LTD) AT THE TIME OF ANY BID SHALL BE ALLOWED TO BID. IF SUCCESSFUL LTD BIDDERS ARE UNABLE TO CLAIM THEIR BID ON THE DATE OF IMPLEMENTATION, A HOLD-DOWN BID WILL BE ALLOWED. THIS HOLD-DOWN BID WILL BE OFFERED TO THE REMAINING ACTIVE EMPLOYEES AT THE LTD'S CURRENT LOCATION AND CLASSIFICATION. THE SUCCESSFUL HOLD-DOWN BIDDER SHALL BE DOVETAILED. WHEN THE LTD RETURNS TO WORK AND CLAIMS HIS BID, THE "HOLD-DOWN" EMPLOYEE MAY EITHER REMAIN AT THE HOLD-DOWN LOCATION UNDER PROVISIONS OF ARTICLE 5, SECTION 5 WITH A BIDDING SENIORITY DATE CONSISTENT WITH THE DATE OF IMPLEMENTATION OF THIS CHANGE OF OPERATIONS OR RETURN TO HIS ORIGINAL LOCATION WITH HIS ORIGINAL BIDDING SENIORITY DATE. THE "HOLD-DOWN" EMPLOYEE MAY NOT RETURN TO A LOCATION WHERE THE CLASSIFICATION FROM WHICH HE BID HAS BEEN ELIMINATED.

ABF SHALL NOT BE RESPONSIBLE FOR THE MOVING EXPENSES OF THE EMPLOYEE FILLING THE HOLD-DOWN BID UNLESS AND UNTIL SUCH TIME AS IT IS DETERMINED THAT THE EMPLOYEE ON LTD WILL NEVER BE ABLE TO CLAIM HIS BID AND THE HOLD-DOWN BIDDER BECOMES A REGULAR PERMANENT EMPLOYEE AT THE HOLD-DOWN LOCATION.

9. IN RESPONSE TO THE QUESTION RAISED BY LOCAL UNION 41 ON THE RECORD, THE COMMITTEE SPECIFICALLY FINDS THAT ARTICLE 43, SECTION 1 OF THE CENTRAL STATES OVER-THE-ROAD AND LOCAL CARTAGE SUPPLEMENTS SHALL APPLY IN DETERMINING THE RECALL RIGHTS OF LAID-OFF EMPLOYEES.
10. INTERLINING SHALL BE HANDLED AS FOLLOWS:

- A. WHERE BOTH ABF AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE INTERLINING TO SERVICE AN AREA, ABF MAY CONTINUE TO INTERLINE.
- B. WHERE ABF IS PRESENTLY SERVICING AN AREA WITH ITS OWN EMPLOYEES AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE INTERLINING INTO THAT AREA, ABF SHALL CONTINUE TO SERVICE THE AREA WITH ITS OWN EMPLOYEES.
- C. WHERE ABF IS PRESENTLY INTERLINING TO SERVICE AN AREA, AND CAROLINA FREIGHT CARRIERS/RED ARROW ARE SERVICING THAT AREA WITH THEIR OWN EMPLOYEES, ABF SHALL SERVICE THE AREA WITH ITS OWN EMPLOYEES.
- D. ABF AND THE LOCAL UNIONS SHALL MEET TO RESOLVE ANY DISPUTES ABOUT WHETHER INTERLINING IS JUSTIFIED IN THE SITUATIONS OUTLINED ABOVE. IF THE PARTIES FAIL TO RESOLVE THEIR DIFFERENCES, THE DISPUTE WILL BE RESOLVED THROUGH THE GRIEVANCE PROCEDURE. UNTIL THERE IS A FINAL DISPOSITION<sup>93</sup> OF



## TITLE ELECTRONIC MAIL

DATE. 09/19/95  
 TIME. 15.37 EST  
 TO. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI  
 FOR. PRINCIPAL OFFICER  
 PAGE 005 MSG NMBR 431

TPI1

THE GRIEVANCE, INTERLINING SHALL CONTINUE IN SITUATIONS OUTLINED IN SUB-PARAGRAPH A, ABOVE, AND SHALL BE PROHIBITED IN SITUATIONS OUTLINED IN SUBPARAGRAPHS B AND C, ABOVE.

- E. WHERE ABF PROVIDED LOCAL CARTAGE SERVICE WITHIN A CITY WITH LOCAL CARTAGE/DRAYAGE SUBCONTRACTORS, AND CAROLINA FREIGHT CARRIERS/RED ARROW SERVICED THAT CITY WITH THEIR OWN EMPLOYEES, ABF SHALL SERVICE THE AREA SOLELY WITH ITS OWN EMPLOYEES, INCLUDING BUT NOT LIMITED TO THE AREA CURRENTLY SERVICED BY LOCAL UNION 707.
11. THE COMMITTEE FINDS WITH REGARD TO THE CINCINNATI, FLORENCE, AND DAYTON TERMINALS, THE FOLLOWING SHALL APPLY:

THE CAROLINA, FLORENCE, AND CINCINNATI TERMINAL SENIORITY LISTS SHALL BE DOVETAILED IN ACCORDANCE WITH CURRENT BIDDING SENIORITY.

DURING THE WINDOW PERIOD, THE FIRST THIRTEEN (13) POSITIONS ADDED TO THE DAYTON SENIORITY LIST SHALL BE OFFERED IN LINE OF SENIORITY TO THE CINCINNATI TERMINAL SENIORITY LIST AND THE SUCCESSFUL BIDDERS SHALL BE DOVETAILED.

12. THE COMMITTEE FINDS THAT THE ABF INTERMODAL DECISION IN CASE NO. MR-ICO-1-6/95 WAS BASED ON ABF'S PRESENT AND PROPOSED INTERMODAL OPERATIONS AT THE TIME OF THE INTERMODAL HEARING, WHICH OCCURRED BEFORE THE MERGER INVOLVED IN THIS CHANGE OF OPERATIONS. THEREFORE, THE COMMITTEE REFERS TO THE NATIONAL INTERMODAL COMMITTEE THE QUESTION OF WHETHER THE CHANGE OF OPERATIONS APPROVED BY THE COMMITTEE IN THIS DECISION AFFECTS THE TERMS OF THE INTERMODAL DECISION IN CASE NO. MR-ICO-1-6/95, AND IF SO, WHAT MODIFICATIONS SHOULD BE MADE.

AS LONG AS ANY DISPLACED ROAD DRIVER IS ON INVOLUNTARY LAYOFF STATUS AT DALLAS, TX, THE RESTRICTIONS OF ARTICLE 29, SECTION 1 OF THE NMFA (CLEAN AND DIRTY RULE) SHALL REPLACE THE RAILING AUTHORITY OF ARTICLE 29, SECTION 3 OF THE NMFA.

THE PROVISIONS OF ARTICLE 29, SECTION 1 SHALL APPLY TO ABF'S NEW CHICAGO ROAD DOMICILE.

13. THE COMMITTEE EXPRESSLY DISAPPROVES ABF'S PROPOSAL TO USE VENDORS TO PERFORM MAINTENANCE WORK WITH MAINTENANCE BARGAINING UNIT EMPLOYEES ON INVOLUNTARY LAYOFF STATUS. THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT OPERATIVE AT THE TIME OF THE CHANGE OF OPERATIONS SHALL CONTINUE IN EFFECT, INCLUDING THE CONTRACT'S SUBCONTRACTING PROVISIONS.
14. ABF SHALL PROTECT THE CAROTRANS WORK OPPORTUNITY PRESENTLY PERFORMED BY CAROLINA AT JACKSONVILLE, MIAMI, AND HOUSTON WITH ABF BARGAINING UNIT EMPLOYEES.
15. AS LONG AS ANY DISPLACED OVER-THE-ROAD DRIVER IS ON INVOLUNTARY

## AN ELECTRONIC MAIL

DATE. 09/19/95  
 TIME. 15.37 EST  
 TO. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI TPI1  
 FOR. PRINCIPAL OFFICER  
 PAGE 006 MSG NMBR 431

LAYOFF STATUS AS A RESULT OF THIS CHANGE OF OPERATIONS, THE COMPANY, ONLY TO THE EXTENT ALLOWED BY AN APPLICABLE SUPPLEMENTAL AGREEMENT, MAY USE CITY DRIVERS TO RUN THE ROAD, BUT ONLY AT ESTABLISHED ROAD DOMICILES. THIS PRACTICE SHALL NOT VIOLATE THE ESTABLISHED ORDER OF CALL AT THE APPLICABLE ROAD DOMICILE.

16. EMPLOYEES WHO HAVE BEEN DISCHARGED, AND WHOSE DISCHARGE IS PENDING ADJUDICATION UNDER THE GRIEVANCE PROCEDURE, SHALL BE OFFERED THE OPPORTUNITY TO BID.
17. UNION AND NON-UNION OFFICE EMPLOYEES SHALL BE DOVETAILED AS SET OUT IN PARAGRAPH 1 OF THIS DECISION. THE UNION EMPLOYEES SHALL CONTINUE TO BE COVERED BY ALL PROVISIONS OF THEIR RESPECTIVE COLLECTIVE BARGAINING AGREEMENTS, INCLUDING BUT NOT LIMITED TO, WAGES AND BENEFITS. IN ANY CASE WHERE A FUND WILL NOT ACCEPT CONTRIBUTIONS FROM ABF FOR UNION EMPLOYEES, THE COMMITTEE WILL DETERMINE THE STEPS NECESSARY TO ASSURE THAT ABF PROVIDES BENEFITS EQUIVALENT TO THOSE PROVIDED TO SUCH EMPLOYEES BEFORE TRANSFER.
18. DOCK EMPLOYEES WHO ARE ADVERSELY AFFECTED BY THIS CHANGE OF OPERATIONS AND MUST BE CDL QUALIFIED IN ORDER TO TRANSFER AND ELECT TO BID, SHALL BE PROVIDED A 60-DAY PERIOD, COMMENCING SEPTEMBER 19, 1995, DURING WHICH PERIOD SUCH EMPLOYEES WILL EITHER BECOME CDL QUALIFIED OR FORFEIT ANY RIGHTS TO FILL THE BID UNDER THIS DECISION. DURING THIS PERIOD, ABF IS INSTRUCTED TO PROVIDE ADEQUATE EQUIPMENT AND TRAINING PERSONNEL TO COMPLY WITH THIS PARAGRAPH.
19. AS A RESULT OF LOCAL 25'S HAVING ATTAINED BARGAINING UNIT JURISDICTION AT THE BURLINGTON, MASSACHUSETTS FACILITY, WHICH RESULTS IN TWO FACILITIES BEING UNDER LOCAL UNION 25'S JURISDICTION, THE PROVISIONS OF ARTICLE 43, SECTION 1(A) OF THE CURRENT NEW ENGLAND SUPPLEMENTAL FREIGHT AGREEMENT SHALL APPLY.
20. THE COMMITTEE DIRECTS ABF TO GIVE THE LOCAL UNIONS FULL DETAILS CONCERNING ANY 401(K) PLAN COVERING CAROLINA FREIGHT CARRIERS OR RED ARROW EMPLOYEES AND TO KEEP IN EFFECT ANY SUCH PLAN, UNTIL ABF ESTABLISHES AN EQUIVALENT PLAN. THE COMMITTEE ALSO DIRECTS ABF TO PROVIDE THE LOCAL UNIONS FULL DETAILS REGARDING THE PRIOR PENSION PLAN FOR RED ARROW EMPLOYEES.
21. THE REQUEST OF LOCAL UNION 200 TO ALLOW A MEMBER TO EXERCISE COMPANY SENIORITY IS DENIED.
22. THE ISSUED RAISED BY LOCAL UNION 61 REGARDING THE APPLICABLE PEDDLE RADIUS FOR CITY DRIVERS (50 OR 75 MILES) IS REFERRED TO THE PARTIES FOR RESOLUTION. ANY DIFFERENCES WILL BE RESOLVED THROUGH THE GRIEVANCE PROCEDURE.
23. ABF'S REQUEST FOR A TRIAL PERIOD TO DETERMINE FREIGHT FLOW FOR BIDDING PURPOSES IS REFERRED BACK TO THE LOCAL UNIONS AND ABF

TITAN ELECTRONIC MAIL

DATE. 09/19/95  
 TIME. 15.37 EST  
 TO. LCL/TERM-ID 373  
 FROM. LCL/TERM-ID TPI  
 FOR. PRINCIPAL OFFICER  
 PAGE 007 MSG NMBR 431

TPI1

FOR RESOLUTION, WITH BIDS TO BE POSTED WITHIN 60 DAYS OF IMPLEMENTATION, OR SOONER WHEREVER POSSIBLE.

24. THE COMMITTEE FINDS THAT THERE ARE NO CIRCUMSTANCES THAT WOULD ALLOW ANY EMPLOYEE WHO HAD RELOCATED UNDER A PREVIOUS CHANGE OF OPERATIONS DECISION OR UNDER THE PROVISIONS OF ARTICLE 5, SECTION 5 OF THE NMFA TO RETREAT TO THE EMPLOYEE'S FORMER TERMINAL/DOMICILE. ACCORDINGLY, THE REQUESTS BY THE VARIOUS LOCAL UNIONS TO ALLOW EMPLOYEES TO RETREAT ARE SPECIFICALLY DENIED.
25. THIS CHANGE OF OPERATIONS MAY BE IMPLEMENTED NO SOONER THAN SEPTEMBER 25, 1995.
26. THIS MULTI-REGION CHANGE OF OPERATIONS COMMITTEE SHALL RETAIN JURISDICTION ON ALL ISSUES THAT MAY ARISE UNDER THIS DECISION DURING THE TERM OF THE CONTRACT. ALL GRIEVANCES SHALL BE FILED WITH THE APPROPRIATE REGIONAL JOINT AREA COMMITTEE, TO BE HEARD BY THE MULTI-REGION CHANGE OF OPERATIONS COMMITTEE.

PLEASE SEND ACKNOWLEDGMENT OF THIS MESSAGE BY TITAN (TITAN TERMINAL ADDRESS: IUFD) OR FACSIMILE (TEL. 202/624-8722).

FRATEERNALLY,

DENNIS C. SKELTON, DIRECTOR  
 NATIONAL FREIGHT DIVISION

- CC: - RON CAREY, CHAIRMAN, TNFNC
- CHUCK PISCITELLO, ASSISTANT DIRECTOR, NATIONAL FREIGHT DIVISION
  - FRANK BUSALACCHI, ACTING REGIONAL FREIGHT COORDINATOR  
 CENTRAL REGION OF TEAMSTERS, C/O TEAMSTERS LOCAL UNION NO. 200
  - DANIEL W. SCHMIDT, REPRESENTATIVE, EASTERN REGION OF TEAMSTERS
  - FRANK HOPKINS, REGIONAL FREIGHT DIVISION COORDINATOR,  
 SOUTHERN REGION OF TEAMSTERS, C/O ANNIE HOPKINS, SECRETARY, LOCAL  
 UNION NO. 519
  - JIM ROBERTS, REGIONAL FREIGHT DIVISION COORDINATOR  
 WESTERN REGION OF TEAMSTERS
  - BOB KNOX, THE GENERAL PRESIDENT'S PERSONAL REPRESENTATIVE  
 CENTRAL REGION OF TEAMSTERS
  - JAMES A. MCCALL, IBT LEGAL DEPT.
  - RICK BANK, SPECIAL COUNSEL TO THE GENERAL PRESIDENT

## PROPOSED SENIORITY APPLICATION

The following proposal is based on the general principle that employees who are dovetailed on the date of implementation are those who are bringing work load to follow, so that the list into which they dovetail should not be adversely affected based on the current economic levels.

At common terminal points for local cartage operations, the company will ascertain the work load that ABF can reasonably expect to retain at the time of combining employees. ABF will prepare a Master Active List of its employees and will then prepare a Master Active List of the Carolina employees and the Red Arrow employees, and all three lists will be based on the date this change is implemented. The Company will then offer job opportunity at ABF in numbers equivalent to the work load coming to ABF, by seniority, to the applicable Carolina or Red Arrow Master Active List and they shall be dovetailed into the ABF Master Active List. Those employees on the Carolina or Red Arrow Master Active List who are not offered job opportunity due to insufficient work load to transfer shall remain on such Master Active Seniority List and shall be offered work opportunity as it arises and when permanent job opportunity arises they shall be recalled and dovetailed.

The Company will also establish a Master Inactive List comprised of all employees on lay-off at ABF and Carolina or ABF and Red Arrow on the date this change is implemented. After the Master Active List set forth above has been exhausted, all future job opportunities shall be offered, in line of seniority, to the employees on the Master Inactive List and, upon proper recall, they shall be dovetailed into the Master Active List.

At all other ABF locations which involve Carolina or Red Arrow employees, the same general principle shall apply, i.e., only the number of Carolina or Red Arrow employees equivalent to actual work load transferred will be offered to the Carolina or Red Arrow Master Active List on the first day of the combined operations.

The same principle as outlined above shall apply to combining over-the-road seniority lists, office and/or maintenance groups, where appropriate, as well as to transfer opportunity involving any of those respective classifications.

Therefore, as a general rule:

Where only one (1) of the three (3) companies has a terminal location, the employees at that location will remain as they are. (See Exhibit "A" in the section on local cartage operations.)

Where there are dual facilities in any one location or area, the aforementioned seniority application will prevail. (See Exhibit "B" in the section on local cartage operations.)

(Where there are apparent exceptions to the general rule, these will be resolved in Exhibit "C" in the section on local cartage operations. 97

8/24/95

Exhibit "A"  
Employee Analysis (Single)  
Local Cartage

Terminal		ABF Freight			Carolina/Red Arrow			Empl. Rqmts.
		Active	L/O	Total	Active	L/O	Total	
ABILENE	TX	2	0	2				2
AKRON	OH	19 1/8	0	19 1/8				19 1/8
ALEXANDRIA	LA	3	0	3				3
AMARILLO	TX	5	0	5				5
ASHTABULA	OH	3	1	4				4
BEAUMONT	TX	5	0	5				5
BENTON HARBOR	MI	3	0	3				3
BILOXI	MS	4	0	4				4
BINGHAMPTON	NY	7	0	7				7
BOWLING GREEN	KY	3	0	3				3
BROOKLYN PARK	MN	13	0	13				13
BROWNSVILLE	TX	4	0	4				4
BRYAN	OH	3	0	3				3
BUTLER	PA	4	0	4				4
CADILLAC	MI	3	0	3				3
CAMP HILL	PA	96	0	96				62
CANTON	OH	11	2	13	4	0	4	12 - 27 #8
CAPE GIRARDEAU	MO	85	93	8				85
* CARLISLE	PA	328	0	328				296
CARLLS CORNER	NJ	1	0	1				1
CEDAR RAPIDS	IA	8	0	8				8
CHAMPAIGN	IL	4	0	4				4
CHARLESTON	SC	5	0	5				5
CHESTER	PA	21	0	21				21
COLUMBUS	NE	2	0	2				2
CORPUS CHRISTI	TX	2	0	2				2
DAYTON	OH	227	0	227				227
DECATUR	IL				4	2	6	0
DUBOIS	PA	4	0	4				4
DULUTH	MN	2	0	2				2
EAGAN	MN	20	0	20				20
EAU CLAIRE	WI	3	0	3				3
EFFINGHAM	IL	2	0	2				2
EL DORADO	AR	3	0	3				3
EL PASO	TX	15	0	15				15
ELGIN	IL	11	0	11				20 11
ELMIRA	NY	5	0	5				5
FAIRFIELD	IA	3	1	4				3
FAIRMONT	WV	4	0	4				4
FARGO	ND	3	0	3				3
FAYETTEVILLE	AR	8	0	8				8
FEDERALSBURG	MD	5	0	5	5	0	5	5 - 27 #8
FLORENCE	EY				5	0	5	0
FT. SMITH	AR	11	0	11				11 98
GRAND ISLAND	NE	4	0	4				4



**NMFA GRIEVANCE — Teamsters Local 776**

94530

Name Rickey A. Bechtel Home Phone 717-566-0600 Date of Hire 2-85  
 Address 2072 Locust Lane City Hummelstown State PA Zip 17036  
 Employer ABF  
 Employer's Address Carlisle  
 Road ☒ Dock ☒ Jockey ☒ City ☒ Iron and Steel ☐ Mechanic-Office ☐ Miscellaneous ☐  
 Date: Feb 20, 2000 8 59 PM

**IMPORTANT:** It is the responsibility of the member filing this grievance to issue the proper copies to all parties in a timely manner, as per your contract.

**NATURE OF GRIEVANCE:** I am filing this grievance due to the fact that I am a laid-off ABF employee at Carlisle, Pa. (see attached letter marked exhibit #1). It has come to my attention that ABF is hiring at Carlisle, Pa terminal and I am filing this because I have not been contacted for any available work opportunities. Under the NMFA that was in effect in 1985 when I was laid off Article #5 section 2 states that "If additional employees are required after the active list is exhausted, they shall be recalled from such inactive seniority roster and after recall such employees shall be "dovetailed" into the active seniority roster with their continuous classification (Road or city) seniority dates they are currently exercising which shall then be  
**STEWARDS COMMENTS:** exercised for all purposes.

**Attachments:** 1 grievance, 1 exhibit letter, 1 letter requesting written decision from Local 776  
 In accordance with the Grievant's Bill of Rights, I am requesting, in writing, copies of all disciplinary letters, photos and any other documentation pertaining to this grievance.

Rickey A. Bechtel  
 Signature of Member Filing Grievance

[Signature]  
 Shop Steward

☒ **YOU must check this box if you want to attend the grievance hearings. If you request to be in attendance, YOU WILL NOT be paid for this time.**

**ACTION TAKEN BY BUSINESS AGENT**

Date: \_\_\_\_\_

Signature of Business Agent

1—WHITE—UNION COPY  
 2—PINK—EMPLOYER  
 3—BLUE—EMPLOYEE REPORTING GRIEVANCE  
 4—YELLOW—STEWARDS

EXHIBIT  
 "E"

99

INSTRUCTIONS ON

YELLOW SHEET



PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

2552 JEFFERSON STREET, HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

February 29, 2000

Rickey A. Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

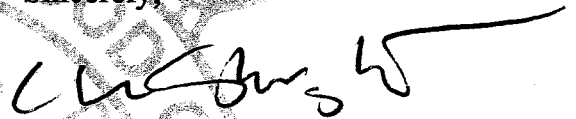
Ref: Grievance 94530

Dear Thomas:

Your above referenced grievance was received. It has been forwarded to ABF. I will advise you of any scheduled meetings or hearings regarding the grievance.

Please contact me if you have any questions.

Sincerely,



Charles Shughart  
Business Agent

Mailed Feb. 29, 2000  
Bonnie Shepley

### **Article 8, Section 6**

The Employer shall not be responsible for moving expenses if the employee changes his/her residence as a result of voluntary transfer.

None of the Employer obligations set forth in this Subsection (c) - Moving Expenses shall apply to transfers of domiciles within a fifty (50) - mile radius.

#### **Change of Operations Seniority**

(d) The Change of Operations Committee established herein shall have the sole authority to determine questions of the application of seniority in those situations presented to it and in connection therewith the following general rules shall apply, subject, however, to modification as provided by Section 6(g) below:

#### **Closing, Partial Closing of Terminals-Transfer of Work**

(1)a. When branches, terminals, divisions or operations (hereinafter "terminal(s)") are closed or partially closed and the work of such terminal(s) is transferred, in whole or in part, to another terminal(s), the active employees (excluding those employees on letter of layoff) at the closed or partially closed terminal(s) shall have the right to bid into a master seniority roster (road or city) comprised of bidders from the active seniority rosters of closed or partially closed terminal(s) in the order of their continuous classification (road or city) seniority. Continuous classification seniority shall be defined as that seniority which the employee is currently exercising and has not been broken in the manner provided by Article 5, Section 1, or by voluntary changes in domicile not directed, approved or ordered by a Change of Operations Committee. Employees shall bid from the combined master seniority roster into openings at the terminal(s) into which work is being transferred. Employees so transferring shall be "dovetailed" into the appropriate active seniority roster at the new terminal(s) in the order of their continuous classification seniority. Such transfers shall be permitted prior to the recall of laid-off employees at such gaining terminal(s). If and when additional employees are required in excess of those who formed the combined active roster at the point of redomicile, employees on letter of layoff at that location shall be

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
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TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

• AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS •  
2552 JEFFERSON STREET • HARRISBURG, PA 17110-2505

THOMAS B. GRIFFITH  
PRESIDENT AND BUSINESS AGENT

JOHN L. FOGLE, II  
SECRETARY-TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

March 29, 2000

Rickey A. Bechtel  
2072 Locust Lane  
Hummelstown, Pa 17036

Ref: Grievance # 94530

This confirms that your above referenced grievance will be discussed at the company level on Wednesday, April 5, 2000 at 9:00 a.m.

The meeting will be held in the conference room at the inbound dock office (Old Smith Terminal).

Contact me if you have any questions.

Fraternally,

*Charles W. Shughart*  
Charles W. Shughart  
Business Agent

CWS/kad

*mailed 3/29/00  
@ 3:40 p.m.*

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
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# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

"AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS"

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RUSSELL A. STEPP  
DANIEL A. VIRTUE

April 5, 2000

13

Andy Upchurch  
ABF Freight Systems  
P.O. Box 1925  
New Kingstown, PA 17072

Ref: Meeting of April 5, 2000

Dear Andy:

On April 5, 2000, a meeting was held at the Carlisle terminal to discuss grievances 94530 (R. Bechtel) and 94532 (Thomas Schildt). In attendance was David Quidort, both grievants you and me. The following was discussed:

The grievants are claiming recall rights from layoff under Article 5, Section 2 of the NMFA. Mr. Bechtel amended his grievance at the table to include compensation for lost earnings and benefits. The same request was not made by Mr. Schildt. It was the position of the Company that the timeliness of the grievances could be an issue. We were not able to determine the date of layoff for either grievant, but Mr. Schildt provided a pay stub, indicating that he was paid for work performed in the pay period ending 3/18/95. The parties will search for records that will clarify the dates of layoff. It was also the position of the Company that they had no obligation to recall Carolina employees who were in layoff status prior to the merger/purchase by ABF Freight Systems. The provisions of Article 5, Section 5 were discussed. No resolution was reached on either grievance.

The grievances remain pending and will be placed on the docket for the next ERJAGC, unless resolved prior to that date.

Sincerely,



Charles Shughart  
Business Agent

cc:  
Grievants

Exhibit (4)03

15

May 17, 2000

To: B/A Shugart Local #776  
Re: Grievance #94530

B/A Shugart,

I am requesting a seniority list of Union Employees at ABF in Carlisle, PA. I need names of employees, seniority number, date of hire, and classification each employee is qualified. This seniority list needs to be as current as of this letter.

I am also requesting a lay-off list of the Carolina Freight Union Employees laid-off in Carlisle, PA in 1995. The list needs to show date of lay-off of each employee and classification qualification.

I need these lists and any other available information that will be of importance to my grievance.

Respectfully,

Rickey A. Bechtel

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

May 24, 2000

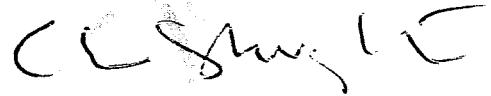
Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Letter Dated May 17, 2000

Dear Rickey:

Your above referenced letter was received. I have requested ABF to provide me with an updated seniority list. I will forward it to you when received. With respect to a list of laid-off Carolina employees, I'm not aware that such a list exists or ever existed. I've reviewed the Company file and have not located such a document. As you know, I was not the business agent for Carolina employees, therefore I did not maintain any separate files, nor am I fully aware of what correspondence was received or not received. I can only provide information that is in the Company file. I will continue to search for such a document. If found, I will provide it to you.

Sincerely,



Charles Shughart  
Business Agent



PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
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## BUSINESS AGENTS

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CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

June 15, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Be advised, your above referenced grievance is scheduled to be presented at the Eastern Region Grievance Committee during the week of July 24<sup>th</sup> - 27<sup>th</sup>. You are welcome and invited to attend.

Whether or not you plan to attend the hearing, I must prepare a written brief to present to the grievance panel. Please contact me to schedule a date that you will be available to review your case and prepare a brief.

At this time, I'm available on the following dates:

June 21<sup>st</sup> - pm  
June 22<sup>nd</sup> - pm  
June 23<sup>rd</sup> - am  
June 27<sup>th</sup> - all day

Please advise me as soon as possible at 233-8766. If I'm not available, please leave a message.

Enclosed is a copy of the seniority list you requested. I still have not found what would normally be considered a layoff list, but I did find a list that was submitted to the IBT by Carolina to comply with the WARN Act. If it's what you're looking for, you are welcome to a copy.

Sincerely,



Charles Shughart  
Business Agent

*Mailed  
6/15/00 @ 10:44 AM  
Kad*

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A.  
DANIEL A.

July 18, 2000


Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Enclosed is a copy of the brief for the above referenced grievance. I think all the revisions you requested have been accomplished. Please review it and advise me if it is correct or if additional changes are necessary. Since time is short, a prompt response would be appreciated. If I am not available, please leave a message with the office staff.

Sincerely,

  
Charles Shughart  
Business Agent

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
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## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

September 26, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Your Grievance 94530

Dear Rickey:

Please advise that your above referenced grievance will be presented at the Change of Operations Committee on October 26 / 27, 2000 at the Embassy Suites Deerfield Beach Resort, 950 Southeast 20<sup>th</sup> Avenue, Deerfield Beach, Florida, 33441.

You are welcome and invited to attend.

Sincerely,



Charles Shughart  
Business Agent

mailed 9/25/00  
@ 3:55 KA

PHIL FERRANTE  
VICE PRESIDENT  
BRAD LINDSAY  
RECORDING SECRETARY  
HARVEY WHITE  
TRUSTEE  
MIKE HORD  
TRUSTEE  
THOMAS VINSON  
TRUSTEE

# CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION NO. 776

\*AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS\*

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SECRETARY TREASURER AND BUSINESS AGENT

## BUSINESS AGENTS

CARLOS N. RAMOS, II  
CHARLES SHUGHART  
ROBERT J. SNYDER, JR.  
RUSSELL A. STEPP  
DANIEL A. VIRTUE

December 28, 2000

Rickey Bechtel  
2072 Locust Lane  
Hummelstown, PA 17036

Ref: Grievance 94530

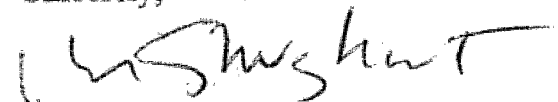
Dear Rickey:

In reply to your letter dated December 6, 2000, it is my understanding that the decision issued by the Change of Operations Committee is final. The grievance procedure does not provide for the appeal of a decision that is issued by a majority of the Committee members.

I have enclosed the papers presented by the Company at the hearing.

Please contact me if you have any questions.

Sincerely,



Charles Shughart  
Business Agent

**CERTIFICATE OF SERVICE**

I, Ira H. Weinstock, Esquire, hereby certify that upon the date stated below, I served the attached Supporting Exhibits to Defendants' Statement of Material Facts upon the persons named below, at the stated addresses, by first class postage paid United States mail.

Robert S. Mirin, Esquire  
**AHMAD & MIRIN**  
8150 Derry Street, Suite A  
Harrisburg, PA 17111

James A. McCall, Esquire  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001

Vincent Candiello, Esquire  
**MORGAN, LEWIS & BOCKIUS, L.L.P.**  
One Commerce Square  
417 Walnut Street  
Harrisburg, PA 17101-1904

Joseph E. Santucci, Jr., Esquire  
Mary D. Walsh, Esquire  
**MORGAN, LEWIS & BOCKIUS**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

  
\_\_\_\_\_  
IRA H. WEINSTOCK

Dated: April 15, 2002